

In the Matter of:)
)
)
Regular Meeting)
)
_____)

California Reporting, LLC
(510) 313-0610

APPEARANCESBOARD MEMBERS

Gregory Ferraro, Chairman

Oscar Gonzales, Vice Chair

Alex Solis, Commissioner

Wendy Mitchell, Commissioner

Dennis Alfieri, Commissioner

Damascus Castellanos, Commissioner

Brenda Washington Davis, Commissioner

STAFF

Scott Chaney, Executive Director

Cynthia Alameda, Assistant Executive Director

Robert Brodnik, General Counsel

Amanda Brown, Staff Counsel

Amanda Drummond, Policy, Regulations, and Administrative
Hearings Manager

Shawn Loehr, Chief of Licensing and Enforcement

Darrel McHargue, Chief Steward

Rick Arthur, Equine Medical Director

Zachary Voss, Regulation Analyst

Francisco Gonzalez, Office Supervisor

Mike Marten, Associate Analyst

APPEARANCES

ALSO PRESENT

Mike Machowky, Fasig-Tipton
Rick Baedeker, SCOTWINC
Larry Swartzlander, CARF
Greg Avioli, TOC
Jerome Hoban, Alameda County Fair
Jack Liebau, Los Alamitos Race Course

PUBLIC COMMENT

Martha Sullivan
Bonnie Croker
Lynn Frudengberg
Andrew Lesser
Liz Jacobelly
Elvia Sedano
Mary Johnson
Kimberly Schaffler-Marrs, Marrs Racing
Wayne Johnson
Patricia
Patty Shenker
Pavla Nygaard

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(CARF) and the Thoroughbred Owners of California (TOC), regarding entry conditions and specified drug substances or medications to be implemented by CARF at the Alameda County Fair.

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| 7. | Discussion and action by the Board regarding approval of an agreement, pursuant to CHRB Rule 1581, Racing Secretary to Establish Conditions, between the Los Alamitos Horse Racing Association (LARA) and the Thoroughbred Owners of California (TOC), regarding entry conditions and specified drug substances or medications to be implemented by the LARA at the Los Alamitos Racetrack. | ?? |
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| | A. Executive Director's Report | |
| | B. Equine Medical Director's Report. | |
| 11. | Public Comment: Communications, reports, requests for future actions of the Board. Note: During the public comment period, a total of thirty minutes will be allowed for public comments via the teleconference line. After thirty minutes, no further comments will be accepted. Each person will be limited to two minutes. | ?? |
| 12. | Closed Session: For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative | ?? |

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licensing and disciplinary hearings, and personnel matters, as authorized by section 11126 of the Government Code.

- A. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending litigation described in the attachment to this agenda captioned "Pending Litigation," and as authorized by Government Code section 11126(e).
- B. The Board may convene a Closed Session to confer with and receive advice from its legal counsel regarding the pending administrative licensing or disciplinary matters described in the attachment to this agenda captioned "Pending Administrative Adjudications," as authorized by Government Code section 11126(e).
- C. The Board may convene a Closed Session for the purposes of considering personnel matters as authorized by Government Code

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section 11126(a).

Adjournment

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P R O C E E D I N G S

9:31 A.M.

TELECONFERENCE, WEDNESDAY, MAY 19, 2021

CHAIR FERRARO: This is the noticed meeting of the California Horse Racing Board conducted by teleconference pursuant to Executive Order N-29-20.

Participating in this meeting are: myself, Dr. Gregory Ferraro, Chair; Mr. Oscar Gonzales, Vice Chair; Mr. Dennis Alfieri, Commissioner; Mr. Damascus Castellanos, Commissioner; Ms. Brenda Washington Davis, Commissioner; Ms. Wendy Mitchell, Commissioner; and Mr. Alex Solis, Commissioner.

We are joined by: Scott Chaney, Executive Director; Cynthia Alameda, Assistant Executive Director; Robert Brodnik, Chief Counsel; Amanda Brown, Staff Counsel; Amanda Drummond, Manager of Policy and Regulations; Shawn Loehr, Chief of Licensing and Enforcement; Darrel McHargue, Chief Steward; Zachary Voss, Regulations Analyst; Dr. Rick Arthur, Equine Medical Director; and Francisco Gonzalez, CHRB Office Supervisor.

The Board invites comments on matters appearing on the meeting agenda. Procedurally, the Board will first hear from those directly involved in the agenda item. I will then invite public comment on the agenda item. The Board

1 will not answer questions. This item is for comment, not
2 questions. Those wishing to speak must follow the
3 directions of the operator to have their individual phone
4 lines open for comment.

5 Unsolicited speakers are limited to two minutes.
6 During all public comments a bell will be rung after the
7 first 90 seconds, meaning the speaker will have 30 seconds
8 remaining to conclude his or her remarks. At two minutes a
9 more distinctive sound will be heard to indicate the
10 speaker's time is up. The Board may ask questions of
11 individuals who speak which may extend their two-minute
12 limit.

13 I will insist that all speakers stay strictly on
14 topic for each agenda item. If a speaker strays off topic,
15 I will ask the operator to move to the next caller. If the
16 speaker repeats himself or herself, I will ask if the
17 speaker has any new comments to make.

18 In that regard, I want everyone to note that Mr.
19 Bob Baffert and the Kentucky Derby are not on the agenda.
20 Consequently, any comments to be made regarding those two
21 subjects must be withheld until item number 11, public
22 comment period.

23 If a speaker repeats himself or herself, I will
24 ask the speaker has any new comments to make. If there are
25 none the speaker will be asked to let others make comments

1 to the board.

2 If anyone has comments of a more general nature
3 that are not specific to earlier agenda items, those
4 comments must wait until agenda item number 11, Public
5 Comment. There will be a 30-minute time limit for item six
6 [sic] public comment. In order to allow as many individuals
7 to speak as possible within that half-hour, I will strictly
8 enforce the two-minute time limit for each unsolicited
9 speaker.

10 And with that, we shall commence the meeting.

11 Can I have a motion to approve the minutes of
12 April 21st, 2021?

13 COMMISSIONER DAVIS: Davis moves.

14 CHAIR FERRARO: Second.

15 COMMISSIONER ALFIERI: Second. Alfieri.

16 CHAIR FERRARO: I'll second. Okay.

17 Commissioner Gonzales?

18 VICE CHAIR GONZALES: Yes.

19 CHAIR FERRARO: Commissioner Alfieri?

20 COMMISSIONER ALFIERI: Yes.

21 CHAIR FERRARO: Commissioner Castellanos?

22 COMMISSIONER CASTELLANOS: Yes.

23 CHAIR FERRARO: Commissioner Davis?

24 COMMISSIONER DAVIS: Yes.

25 CHAIR FERRARO: Commissioner Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIR FERRARO: Commissioner Solis?

3 COMMISSIONER SOLIS: Abstain. I wasn't at the
4 meeting.

5 CHAIR FERRARO: Oh, correct. And the Chairman
6 votes yes.

7 Item number two is discussion and action by the
8 Board regarding Fasig-Tipton's request for authorization of
9 its upcoming horse sale, pursuant to CHRB Rule 1807,
10 Authorized Horse Sales.

11 Mr. Gonzalez, I think you're going to address
12 that. And Mr. Machowsky will have some comments to make.

13 MR. GONZALES: That is correct, Chairman,
14 Commissioners. Francisco Gonsalez, CHRB Staff.

15 Pursuant to CHRB Rule 1807, Fasig-Tipton seeks
16 Board approval and authorization to conduct a horse sale at
17 Santa Anita Park on June 23rd, 2021.

18 Mike Machowsky is available to answer any
19 questions the Board may have regarding this horse sale.

20 CHAIR FERRARO: Can we queue Mr. Machowsky,
21 please, Operator?

22 OPERATOR: Mr. Machowsky is not live.

23 MR. MACHOWSKY: Good morning. Thanks for having
24 me.

25 CHAIR FERRARO: Go ahead, Mike. Do you have

1 comments to make? Yeah.

2 MR. MACHOWSKY: Good morning. Thanks for having
3 me.

4 CHAIR FERRARO: Go ahead.

5 MR. MACHOWSKY: Yes. Yeah, we're putting on
6 another two-year-old sale here at Santa Anita, like we did
7 in 2019. And I've been in contact with Dr. Rick Arthur
8 about it, as well as Dr. Vincent (phonetic) and Nate Newbie
9 (phonetic) and everybody. And you know, we're planning on
10 following the house rules, you know, set by the Stronach
11 Corporation, as well as the CHRB rules for anything that,
12 you know, happens (indiscernible) as far as whips, et
13 cetera.

14 CHAIR FERRARO: Do we have any questions from the
15 Board? No questions?

16 Do we have a queue on this, Operator?

17 OPERATOR: We do.

18 CHAIR FERRARO: Well, go ahead and start it then.

19 OPERATOR: Thank you. As a reminder to our
20 audience, you may make a comment by dialing star one. We
21 will first go to Martha Sullivan, a citizen.

22 Please go ahead.

23 CHAIR FERRARO: Good morning, Martha.

24 MS. SULLIVAN: Good morning. I want to point out
25 that the Staff analysis for this item makes no reference to

1 the Under Tack Show on June 21st that is part of the -- you
2 know, part and parcel of this horse sale. There's no
3 reference to this. There's no discussion of it. I find
4 this very disturbing.

5 The horse sale operator has referenced that
6 they're going to comply with the house rules and CHRB rules.

7 But it seems like, to me, there needs to be more, you know,
8 confirmation of what this is going to involve. Are there
9 going to be CHRB veterinarians and stewards monitoring the
10 Under Tack Show which is, basically, I mean, it's in a CHRB
11 inclosure and these horses will be doing the equivalent of
12 training to demonstrate their racing potential? And will
13 any injuries or fatalities during this sale be recorded and
14 reported by the CHRB?

15 There's also sort of -- I mean, just, it's so
16 vague. And it really troubles me that the Staff analysis
17 doesn't even acknowledge the June 21st Under Tack Show.
18 That's very disturbing.

19 CHAIR FERRARO: Thank you.

20 Next please.

21 OPERATOR: Next we have Bonnie Croker, a citizen.
22 Please go ahead.

23 MS. CROKER: Yes. Good morning. CHRB, please do
24 not grant a permit for the Fastig-Tipton Horse Sale at Santa
25 Anita. Allowing these sales perpetuates overbreeding. And

1 you may choose to look away from the overbreeding and the
2 tragic plight or nurse mare foals who are orphaned when
3 their mothers are made to nurse thoroughbred foals.

4 But certainly you are aware that the number of
5 horses actually participating in races in steady decline,
6 especially at Southern California tracks where the field
7 sizes quite often consist of only four or five horses.

8 An article in the L.A. Times by John Churba
9 (phonetic) last Sunday, 05/16/21, mentioned that the Grade 3
10 \$100,000 Desert Stormer Stakes at Santa Anita was canceled
11 when only one horse entered.

12 During a CHRB on (indiscernible) 2020 at Los
13 Alamitos, Commissioner Fred Maas said, in quotes,

14
15
16 "And just to put some things into perspective, last year
17 about 19,000 horses were born, actually, the foal crop.
18 About half of those will never make it to the track. And of
19 the remaining half, probably another half won't race more
20 than once if they race at all," end quote.

21 So that is 9,500 horses who would never make it to
22 the track. Of the remaining 9,500, 4,750 horses won't race
23 more than once if they race at all. Where are all of those
24 horses now? Are they back in the breeding barns, making the
25 next generation foal crop? How is this any different than

1 puppy mills?

2 CHRB, you constantly reassure the public that
3 horse welfare is at the top of your list of priorities.
4 Please make your actions substantiate your claims. Say no
5 to this proposed horse sale.

6 Thank you.

7 CHAIR FERRARO: Thank you.

8 Next please.

9 OPERATOR: Next is Lynn Frudenberg, a citizen.
10 Please go ahead.

11 MS. FRUDENBURG: Hey, good morning Commissioners.
12 I also have a comment regarding Fasig-Tipton Horse Sale.

13 Why are horses being shipped in and sold when our
14 state Racing Board does not have a plan in place to account
15 and properly care for every single horse currently in our
16 state?

17 On average a thoroughbred horse lives 25 to 28
18 years but most are retired after four years because of, you
19 know, risk of injury. I know you have CARMA, the California
20 Retirement Management Account, but they don't have the
21 resources to care for all the retired racehorses. From what
22 I see there's only 12 in its care.

23 KR Casper (phonetic), a two-year-old filly brought
24 in from Webber Downs (phonetic) in Utah, vanned off after
25 placing last at Los Alamitos on August 16th, 2020. Last

workout was July 11th, 2020. Where is KR Casper?

Lady of Charlie (phonetic), another one, a two-year-old filly, originally from Wyoming. On video, you cannot even see her finish race on at Los Alamitos on November 6th, 2020. Her last workout was 10/18/20. Where is Lady of Charlie?

Another, El Aracata (phonetic), a two-year-old gelding, whipped 19 times, placed fourth in race number six at Los Alamitos November 13, 2020, vanned off. Last workout, March 24th, 2020. Where is El Aracata?

And also, too, we have Just Agree (phonetic), a two-year-old filly, raced through thick fog, couldn't even see ahead of the track (indiscernible) on the video, throws a rider, did not finish, very dangerous to both involved, vanned from Los Alamitos 11/22/2020. Now is Just Agree in New Mexico racing on injured legs?

CHRB needs to be responsible for its horses. An alarming amount of American horses are sent to Mexico and Canada for slaughter. Many are castoffs from the racing industry. The vast majority of horses (indiscernible) for slaughter have been treated with a multitude of anti-inflammatory drugs, antibiotics, antiparasitic medications, hormones, and illegal performance-enhancing drugs. This is all dangerous to humans.

Excessive breeding without adequate retirement

1 provisions are lethal. Once again, a bad business plan
2 equals an end to horse racing. Please do not approve this
3 plan until you figure out how to care for the ones that are
4 already in your care.

5 Thank you.

6 CHAIR FERRARO: Next please.

7 OPERATOR: There are no further comments at this
8 time.

9 CHAIR FERRARO: Do we have any questions or
10 comments from the Board? Can I have a motion?

11 COMMISSIONER CASTELLANOS: Castellanos. Motion.

12 COMMISSIONER ALFIERI: Second.

13 COMMISSIONER SOLIS: I second.

14 COMMISSIONER ALFIERI: Alfieri.

15 CHAIR FERRARO: Okay. Okay. Motion to approve
16 and seconded.

17 Commissioner Gonzales?

18 VICE CHAIR GONZALES: Yes.

19 CHAIR FERRARO: Commissioner Alfieri?

20 COMMISSIONER ALFIERI: Yes.

21 CHAIR FERRARO: Commissioner Castellanos?

22 COMMISSIONER CASTELLANOS: Yes.

23 CHAIR FERRARO: Commissioner Davis?

24 COMMISSIONER DAVIS: Yes.

25 CHAIR FERRARO: Commissioner Mitchell?

1 COMMISSIONER MITCHELL: Yes.

2 CHAIR FERRARO: Commissioner Solis?

3 COMMISSIONER SOLIS: Yes.

4 CHAIR FERRARO: And the Chairman votes yes. The
5 item is approved.

6 Moving on to item number three, discussion and
7 action by the Board on the Renewal Application for License
8 to Operate a Minisatellite Wagering Facility for Santa
9 Clarita Lanes.

10 Amanda Drummond, I believe, is going to inform us
11 on this one.

12 MS. DRUMMOND: Yes. Good morning, Commissioners.
13 Amanda Drummond, Policy, Regulations, and Administrative
14 Hearings Manager with the CHRB.

15 Agenda item three is the discussion and actionfor
16 the Renewal Application to Operate a Minisatellite Wagering
17 Facility for Santa Clarita Lanes.

18 The license for Santa Clarita Lanes was originally
19 licensed in 2016 and is currently active until June 16th,
20 2021. If the Board approves the application today, it would
21 be active for a term of five years.

22 The application is complete. However, the
23 Worker's Compensation Insurance expires June 30th, 2021, so
24 it would need to be updated during the term of licensure.

25 And Tom Cristi, owner of Santa Clarita Lanes, and

1 Rick Baedeker of SCOTWINC are available for any questions
2 the Board may have and to provide any additional
3 information.

4 CHAIR FERRARO: Operator, can you queue Mr. Cristi
5 or Mr. Baedeker please?

6 OPERATOR: One moment as I bring them both live.
7 Both lines are now live.

8 CHAIR FERRARO: Go ahead please.

9 MR. BAEDEKER: Good morning, Commissioners. This
10 is Rick Baedeker.

11 Santa Clarita Lanes was one of the first
12 minisatellites. They opened in 2012, and so it's been
13 running for nine years. And in the last four years of
14 handle, prior to the pandemic, 2019, it was the second most
15 successful minisatellite of the 13 and handled more than \$13
16 million. It's really an ideal situation there. There's a
17 very successful bowling alley that is very popular. And
18 then there's a separate room, a good size room, that's been
19 used for the minisatellite wagering since it opened.

20 I would like to request that the Board gives us a
21 little leeway here for a particular issue with our contract.

22 After we submitted all of the documents to the Board, we,
23 SCOTWINC, became aware of a kind of loophole or a void in
24 our contract which relates to our employees, union
25 employees. They are, of course, working at sites owned by

1 other folks that are outside of our control. And at present
2 we have no recourse in the unlikely, but still, event of
3 unsafe or otherwise potentially harmful working conditions
4 for them.

5 So to protect our employees, we want to add
6 language to the current Santa Clarita contract, and then all
7 future agreements with the minisatellites, that will allow
8 SCOTWINC to withhold the signal if a site fails to rectify a
9 situation that is unsafe, unfair, et cetera, for our
10 employee. The exact language is pending because our
11 attorney is unavailable, out of the office until next week.

12 Otherwise, we would have had something to submit today.

13 So we would request the Board to consider a motion
14 that would include renewal of the application for Santa
15 Clarita for the term of five years conditioned upon receipt
16 of an amended contract between SCOTWINC and Santa Clarita
17 within 60 days.

18 Owner Tom Cristi is also on the line.

19 CHAIR FERRARO: Mr. Cristi, do you wish to make a
20 comment?

21 MR. CRISTI: No. I've spoken with Mr. Baedeker
22 regarding the situation. And we believe it's a good policy
23 that's going to be put in place for all the minisatellites.

24 CHAIR FERRARO: Mr. Chaney, that condition that
25 Mr. Baedeker just outlined, would that have to be considered

1 as a separate item on an agenda?

2 EXECUTIVE DIRECTOR CHANEY: No. You could -- no,
3 Mr. Chairman. You could consider that when you -- if and
4 when you decide to vote on the approval for licensure or
5 not.

6 CHAIR FERRARO: Okay. Any questions from the
7 Board?

8 Do we have a queue on this, Operator?

9 OPERATOR: We do.

10 VICE CHAIR GONZALES: Go ahead please.

11 OPERATOR: Thank you. We will go to Andrew
12 Lesser, a citizen and former horse owner.

13 Please go ahead.

14 MR. LESSER: Okay. Thank you. Are you able to
15 hear me?

16 CHAIR FERRARO: Yes.

17 MR. LESSER: Okay. Wonderful. Yeah. You know, I
18 have a serious concern about this Watch and Wager outfit
19 because they are complicit in perpetuating greyhound racing
20 which is even more despicable than racing horses.

21 So you know, I'm not opposed to sports betting,
22 which would more than replace the \$13 million the owner of
23 this bowling lane said that they take in on wagering on
24 horses. And it's interesting, there's a clause in the
25 contract that's a sticking point about the health and safety

1 of the workers, but yet this Watch and Wager contributes to
2 injury and death of horses, so I'm opposed to this.

3 Thank you.

4 CHAIR FERRARO: Thank you.

5 Next please.

6 OPERATOR: There are no further comments at this
7 time.

8 CHAIR FERRARO: Any questions or comments from the
9 Board? Can I have a motion to approve considering the
10 proposed amendment -- including the proposed amendment?

11 COMMISSIONER ALFIERI: So moved. Alfieri.

12 CHAIR FERRARO: Second?

13 COMMISSIONER CASTELLANOS: Second. Castellanos.

14 CHAIR FERRARO: Commissioner Gonzales?

15 VICE CHAIR GONZALES: Yes.

16 CHAIR FERRARO: Commissioner Alfieri?

17 COMMISSIONER ALFIERI: Yes.

18 CHAIR FERRARO: Commissioner Castellanos?

19 COMMISSIONER CASTELLANOS: Yes.

20 CHAIR FERRARO: Commissioner Davis?

21 COMMISSIONER DAVIS: Yes.

22 CHAIR FERRARO: Commissioner Mitchell?

23 COMMISSIONER MITCHELL: Yes.

24 CHAIR FERRARO: Commissioner Solis?

25 COMMISSIONER SOLIS: Yes.

1 CHAIR FERRARO: And the Chairman votes yes. The
2 motion is approved.

3 Moving on to item number four, discussion and
4 action by the Board regarding the approval of an agreement,
5 pursuant to Business and Professions Code section
6 19604(f)(5)(E), for distribution from Advance Deposit
7 Wagering Market Access fees for wagers placed on all live
8 and imported races hosted by the signatory racing fairs for
9 the period of June 1, 2021 through December 31, 2021, to be
10 utilized to fund a California co-op marketing program.

11 I think we're going to have Mr. Swartzlander speak
12 on this; is that correct? And if so, Operator, can you
13 queue his line please?

14 OPERATOR: One moment. Mr. Swartzlander is now
15 live.

16 CHAIR FERRARO: Go ahead, Larry.

17 MR. SWARTZLANDER: Good morning, Commissioners.
18 This is Larry Swartzlander, Executive Director of CARF.

19 Yeah, this program is similar to what the TOC has
20 signed with Santa Anita and Del Mar. And what we plan to
21 use it for is a supplement to our incentive programs for
22 owners and trainers. As you know, currently we incentivize
23 trainers where we get the five starts to get \$500, ten
24 starts to get \$1,000. And then we also have an out-of-state
25 bonus for horses coming in where they get \$200 for the first

1 start and another \$300 for the second start.

2 What this does, this will give us funds to
3 incentivize owners, so all owners who have five or more
4 starts at each meet would receive \$2,000. It's a very good
5 program and it benefits all owners and trainers that run at
6 the fairs.

7 CHAIR FERRARO: Questions from the Board?

8 Operator, can you queue Mr. Avioli's line so we
9 can get (indiscernible)?

10 OPERATOR: Absolutely. Mr. Avioli is now live.

11 CHAIR FERRARO: Go ahead, Greg.

12 MR. AVIOLI: Good morning. Good morning. Greg
13 Avioli, President of TOC.

14 As Larry mentioned, this is the same format of the
15 co-op marketing agreement we've done with the southern
16 tracks for the last three years. We estimate or are
17 projecting it will be about \$125,000, ultimately, that will
18 come out of ADW wagering to support the programs that Larry
19 mentioned. And we hope that it increases participation in
20 the fair meets.

21 Thank you.

22 CHAIR FERRARO: Questions from the Board?

23 Do we have a queue on this, Operator?

24 OPERATOR: We do.

25 CHAIR FERRARO: Go ahead please.

1 OPERATOR: Thank you. We will go to Martha
2 Sullivan, a citizen.

3 Please go ahead.

4 MS. SULLIVAN: Hello. This is Martha Sullivan
5 again.

6 The Alameda County Fair's races at Pleasanton last
7 year were featured in a report by the Thoroughbred Idea
8 Foundation on the growing share of wagering by high-value
9 betting shops to the detriment to live racing and other
10 betters. Quote, "While the specifics are unclear,
11 California Pick 6 examples of late reflect the imbalance of
12 meets as it relates to impacting the betting pool." Quote,
13 "On Sunday July 19th the jackpot Pick 6 at Pleasanton, a
14 single ticket carryover of \$112,000 attracted \$55,000 and
15 was hit on a single ticket, returning the entire net pool
16 and carryover of \$153,000 to one winner."

17 CARF confirmed the winner of their jackpot came
18 from Elite Turf Club, a high-value betting shop. It is
19 notable that Elite was reported to have been owned wholly or
20 in part by The Stronach Group, according to a 2017 court
21 document. And The Stronach Group also own Xpressbet and
22 AmTote, one of the industry's main bet (indiscernible)
23 bookers.

24 Racing is often seen to be a sport only for the
25 elite or gamblers that has increasingly become a sport run

1 for the benefit of elite and other high-volume betting
2 shops. It is time to change course for the -- to more
3 equitably treat all customers. The first step is for the
4 industry's organizations to recognize this a problem and
5 that it needs to be addressed. So this is from the industry
6 think tank, the Thoroughbred Idea Foundation.

7 CHAIR FERRARO: Thank you.

8 Next please.

9 OPERATOR: There are no further comments at this
10 time.

11 CHAIR FERRARO: Questions from the Board? Can I
12 have a motion?

13 COMMISSIONER SOLIS: I move. Alex Solis.

14 CHAIR FERRARO: Second?

15 COMMISSIONER CASTELLANOS: Castellanos seconds.

16 CHAIR FERRARO: Commissioner Gonzales?

17 VICE CHAIR GONZALES: Yes.

18 CHAIR FERRARO: Commissioner Alfieri?

19 COMMISSIONER ALFIERI: Yes.

20 CHAIR FERRARO: Commissioner Castellanos?

21 COMMISSIONER CASTELLANOS: Yes.

22 CHAIR FERRARO: Commissioner Davis?

23 COMMISSIONER DAVIS: Yes.

24 CHAIR FERRARO: Commissioner Mitchell?

25 COMMISSIONER MITCHELL: Yes.

1 CHAIR FERRARO: Commissioner Solis?

2 COMMISSIONER SOLIS: Yes.

3 CHAIR FERRARO: And the Chairman votes yes.

4 Motion approved.

5 Item number five, discussion and action by the
6 Board regarding approval of an agreement, pursuant to CHRB
7 Rule 1581, Racing Secretary to Establish Conditions, between
8 the California Authority of Racing Fairs, CARF, and the
9 Thoroughbred Owners of California regarding entry conditions
10 and specified drug substances or medications to be
11 implemented by CARF at the Alameda County Fair.

12 Mr. Voss, do you want to inform the Board on this
13 please?

14 MR. VOSS: Yes. Thank you, Commissioners. This
15 is Zachary Voss, Regulation Analyst with the California
16 Horse Racing Board.

17 Item number five is a discussion and action by the
18 Board regarding approval of an agreement, pursuant to Board
19 Rule 1581, Racing Secretary to Establish Conditions, between
20 the California Authority of Racing Fairs, or CARF, and the
21 Thoroughbred Owners of California, or TOC, regarding entry
22 conditions and specified drug substances or medications to
23 be implemented by CARF at the Alameda County Fair.

24

25 CARF wishes to condition all races run at the

1 Alameda County Fair to be run with the following
2 restrictions.

3 First, no horse shall be permitted to race in a
4 stakes race with any race day medication which includes the
5 use of furosemide.

6 Second, every horse within the inclosure at any
7 CARF auxiliary training facility is subject to out-of-
8 competition testing.

9 Third, all parties agree to strict limitations on
10 the use of any analgesic anti-inflammatory medications
11 during racing and training.

12 Fourth, no horse shall be permitted to race at a
13 CARF facility if it has received a corticosteroid intra-
14 articular joint injection within 14 days of race day in any
15 joint other than the metacarpophalangeal joints or within 30
16 days of race day if such injections were performed in any of
17 the metacarpophalangeal joints. Additionally, no horse
18 shall be permitted to have a timed work for ten days after
19 receiving a corticosteroid intra-articular joint injection
20 in any of the metacarpophalangeal joints.

21 Fifth and last, no horse that has been
22 administered nonsteroidal anti-inflammatory medication
23 within the previous 48 hours shall participate in a race or
24 recorded work at any park inclosure or auxiliary training
25 facility.

1 The agreement has been signed by both CARF and the
2 TOC and is reflected in the Board package. And we have
3 Larry Swartzlander, Executive Director of CARF, and Greg
4 Avioli, President and CEO of the TOC, available to answer
5 any questions by the Board.

6 CHAIR FERRARO: This basically puts operation at
7 the fairs in line with those at the major racetracks; is
8 that correct?

9 EXECUTIVE DIRECTOR CHANEY: Mr. Chairman, Scott
10 Chaney, Executive Director.

11 It does. I mean, this has been the practice for
12 about a year now with all of our license applications, this
13 agreement that make house rules ahead of regulations that
14 the Board is pursuing. So for example, the intra-articular
15 injection regulation, obviously, the Board voted out
16 sometime last year. It is in the process of going forward.

17 This just creates that regulation as a house rule before
18 the regulation becomes in effect. You'll see a similar --

19 CHAIR FERRARO: Any questions from the Board?

20 EXECUTIVE DIRECTOR CHANEY: -- you'll see a
21 similar agreement between Los Alamitos Thoroughbred and the
22 TOC in agenda item number seven.

23 CHAIR FERRARO: Correct. Correct. Questions from
24 the Board?

25 Mr. Swartzlander and Mr. Avioli wish to comment?

1 OPERATOR: And both lines are live.

2 MR. SWARTZLANDER: Yeah, the is Larry
3 Swartzlander.

4 MR. AVIOLI: This is Greg Avioli with TOC. This
5 is at -- it was well described and it's been approved by the
6 TOC.

7 CHAIR FERRARO: Okay. Mr. Swartzlander?

8 MR. SWARTZLANDER: Yes, this is Larry. Yeah, I
9 have no comments.

10 CHAIR FERRARO: Okay. Questions? Let's see. We
11 have public queue on this, Operator?

12 OPERATOR: We do.

13 CHAIR FERRARO: Go ahead please.

14 OPERATOR: Thank you.

15 We will now go to Martha Sullivan, a citizen.

16 Please go ahead.

17 MS. SULLIVAN: Yes. Hello. I'm seeking
18 clarification because there was a press release by the
19 Thoroughbred Owners of California that CARF is going to run
20 a seven-week fair race meet from jue 18th to August 1st at
21 the Alameda County Fairgrounds. And it's not clear to me
22 what this agreement covers. I mean, it says CARF's 2021
23 summer race meet, so is this referring to the seven-week
24 race meet?

25 And also as a long-time regulatory myself for the

1 state, for the state, of utilities, the agreement, it seems
2 far from clear to me. And item eight says that it covers
3 CARF's 2021 summer race meet. However, item one in that
4 agreement references January 1st through December 31st, 2021
5 as the effective period. So I think that, you know,
6 agreements should be clear and you shouldn't have what seems
7 to be conflicting terms in there.

8 CHAIR FERRARO: Thank you.

9 Next please.

10 OPERATOR: There are no further comments at this
11 time.

12 CHAIR FERRARO: Questions from the Board? Can I
13 have a motion to approve?

14 COMMISSIONER DAVIS: Davis moves.

15 COMMISSIONER SOLIS: I move. Alex Solis.

16 CHAIR FERRARO: Second?

17 COMMISSIONER DAVIS: I guess I'd be the second or
18 the mover.

19 CHAIR FERRARO: Okay.

20 COMMISSIONER DAVIS: Davis.

21 CHAIR FERRARO: Okay. Thank you.

22 Commissioner Gonzales?

23 VICE CHAIR GONZALES: Yes.

24 CHAIR FERRARO: Commissioner Alfieri?

25 COMMISSIONER ALFIERI: Yes.

1 CHAIR FERRARO: Commissioner Castellanos?

2 COMMISSIONER CASTELLANOS: Yes.

3 CHAIR FERRARO: Commissioner Davis?

4 COMMISSIONER DAVIS: Yes.

5 CHAIR FERRARO: Commissioner Mitchell?

6 COMMISSIONER MITCHELL: Yes.

7 CHAIR FERRARO: Commissioner Solis?

8 COMMISSIONER SOLIS: Yes.

9 CHAIR FERRARO: And the Chairman votes yes.

10 Motion is approved.

11 Moving on to item number six which is discussion
12 and action by the Board on the Application to Conduct a
13 Horse Racing Meeting of the Alameda County Fair, at
14 Pleasanton, commencing June 16, 2021 through July 13, 2021,
15 inclusive.

16 Mr. Voss, do you want to address this please?

17 MR. VOSS: Yeah. Thank you, Commissioners. This
18 is Zachary Voss again, Regulation Analyst with the
19 California Horse Racing Board.

20 Item number six is discussion and action by the
21 Board on the Application to Conduct a Horse Racing Meeting
22 of the Alameda County Fair at Pleasanton. And it will
23 commence commence June 16, 2021 through July 13, 2021. The
24 fair will conduct 13 race days with live racing commencing
25 on June 18th, 2021.

1 The Board still requires an outstanding item, the
2 stabling agreement for Golden Gate Fields. The California
3 Association of Racing Fairs, or CARF, representing the
4 Alameda County Fair is also requesting Board approval for
5 some modifications from the originally-submitted
6 application. Those modifications include one additional day
7 of live racing July 5th and the elimination of all mule
8 racing.

9 Furthermore, following the publication of the
10 Board package the Board did receive all of the ADW
11 agreements, the advance deposit wagering agreements, and the
12 California Thoroughbred Trainers agreement, so those are no
13 longer included in the missing items.

14 Additionally, CARF wishes to use Golden Gate
15 Fields as an auxiliary stabling location. And Golden Gate
16 Fields has a valid fire clearance on file with the Board
17 that is active through September 22nd, '21. Board Rule 1927
18 requires a fire clearance inspection within 45 days prior to
19 the commencement of the race meeting unless the Board
20 approves an extension or exemption. And Golden Gate Fields
21 obtained an exemption at the December 17th, 2020 regulation
22 Board meeting that is still active.

23 Lastly, in the past the Board has required prior
24 racing fairs and associations to adopt the Board's inclement
25 weather policy. And the Board may wish to consider making

1 this a requirement of licensure as well.

2 And we have Larry Swartzlander, Executive Director
3 of CARF, available to answer any questions.

4 Thanks.

5 CHAIR FERRARO: Dr. Arthur, did you have a comment
6 you wish to make on this item?

7 EQUINE MEDICAL DIRECTOR ARTHUR: Well, I've
8 already had a discussion with the -- about the veterinary
9 emergency services and I'm satisfied with that. It sounds
10 like it's been squared away.

11 CHAIR FERRARO: Okay. Good.

12 Mr. Swartzlander?

13 OPERATOR: I believe we have Mr. Swartzlander live
14 now.

15 CHAIR FERRARO: Go ahead, Larry.

16 MR. SWARTZLANDER: Yeah. This is Larry
17 Swartzlander, Executive Director of CARF.

18 Yeah, just to outline, we're looking at four weeks
19 of racing at Pleasanton, 13 days. This year we will have
20 the same overnight purse schedule. We have changed the
21 stakes' schedule. All three stakes at Pleasanton will be
22 \$75,000 guaranteed races.

23 Staff has already commented on the one change of
24 July 5th, which is a holiday. It was omitted in the
25 license. And the mules have decided not to run this year.

1 Arabian racing will continue this year. And the Authority
2 outlined the incentive program. We're giving ten starts for
3 \$1,000, five for \$500. We have the owner incentive. If
4 anybody has five or more starts the owner gets \$2,000. And
5 then out-of-state shippers, \$300 first and \$300 second
6 starts.

7 And that pretty much summarizes it, Chairman.

8 CHAIR FERRARO: Okay. Great. Thank you.

9 Mr. Hoban, did you wish to make a comment?

10 MR. HOBAN: Good afternoon. This is Jerome Hoban,
11 Alameda County Fair. I'm here with Larry. We're just
12 excited about getting this race meet off the ground. Tickets
13 are on sell. Everything is selling well. And we will just
14 be conforming to all the health regulations that are put
15 upon us but we're dealing with it well. And the public is
16 really excited to get back to the racetrack again, so thank
17 you.

18 CHAIR FERRARO: Thank you.

19 Questions from the Board?

20 VICE CHAIR GONZALES: Mr. Chairman --

21 CHAIR FERRARO: (Indiscernible.)

22 VICE CHAIR GONZALES: -- I have a question.

23 CHAIR FERRARO: Yeah. Go ahead.

24 VICE CHAIR GONZALES: Mr. Chairman, Oscar Gonzales
25 here. Thank you, sir.

1 You know, we did not have an opportunity to
2 convene a Race Dates Committee meeting. However, I just
3 want to just make a few key points. It looks the parties
4 had an open line of communication. It looks like all of the
5 key elements that we look for in this kind of an
6 arrangement, a partnership, everything from ensuring that
7 horses remain safe. Do want to make sure that the public,
8 with your comments that were made over the last few meetings
9 about some gaps or some areas that we really need to focus
10 in on as it relates to keeping horses safe during the fair
11 meets have been heard loud and clear.

12 It's also good to report that workers, that is our
13 backstretch community, their issues and their concern for
14 the utmost importance to all parties involved. As Mr.
15 Swartzlander said, the Arabian community was also
16 integrated. We heard their voice on many meetings. So I
17 just want to make sure that it's duly noted that they were
18 included and will be involved.

19 I also want, if Mr. Balch is available at any
20 point, just to weigh in on how the race meet agreement, that
21 is the industry trainer partnership, I believe that that's a
22 very positive step forward.

23 And I also believe it's important to note, Mr.
24 Chairman, that during 2020 handle with the fewer days
25 actually experienced an increase. And I think, yes, that

1 was due to, probably, a natural upswing in handle across the
2 counry. But I also believe that it was really thoughtful
3 and strategic outreach that the fairs have begun to do as
4 we've requested of them. I believe our fairs are a unifying
5 in any of the communities up and down the state. We know
6 that as hardworking residents look for things to do over the
7 summer, they're going to be looking at the fairs, although
8 it may not be up to full capacity. Again, I really believe
9 that the fairs are a very important part of our industry and
10 also have a very important role in California horse racing.

11 So those are just my brief comments, sir.

12 CHAIR FERRARO: Okay. Thank you for those.

13 Do we have a queue on this, Operator?

14 OPERATOR: We do.

15 CHAIR FERRARO: Go ahead please.

16 OPERATOR: Thank you.

17 Our first comment is coming from Martha Sullivan.

18 Please go ahead.

19 MS. SULLIVAN: Yes. Hello. Martha Sullivan here
20 again.

21 And once more I guess I'm puzzled because we've
22 had a press release by the TOC that CARF is running a seven-
23 week fair race meet at the Alameda County Fairgrounds this
24 year, including Sacramento Fair, apparently, and that they
25 will have 680 stalls at Pleasanton and 600 stalls at

1 Sacramento.

2 You know, we know that the Regional Water Quality
3 Control Board is requiring industrial permits for the
4 stabling of over 499 horses, as we've witnessed at the Del
5 Mar Fairgrounds over the past few years.

6 A quote from the Regional Water Quality Control
7 Board website,

8

9 "The National Pollutant Discharge Elimination System
10 regulations define animal feeding operations as operations
11 where animals have been, are, or will be stabled or confined
12 and fed or maintained for a total of 45 days or more in any
13 12-month period."

14 I'm not seeing any evidence of such permitting in
15 the application to stable 680 horses at Pleasanton, nor
16 another 600 for Sacramento. And as a state agency, the CHRB
17 should ensure that state laws and regulations are met and
18 documentation thereof is made publicly available. This
19 should be a regular part of your application process and
20 documentation.

21 CHAIR FERRARO: Thank you.

22 Next please.

23 OPERATOR: Next is Bonnie Croker, a citizen.

24 Please go ahead.

25 MS. CROKER: Thank you. CHRB, please do not grant

1 a racing license to Alameda at Pleasanton. Beyond the fact
2 that they race horses in extreme heat conditions, they have
3 a record of horse injuries that the general public is
4 concerned about.

5 For example, on 07/03/2020, race one at
6 Pleasanton, horse two, Check Out Pappys Corona reared super
7 high and flipped in the gate, throwing the rider. The
8 horse's head slammed into the back of the starting gate. Of
9 course, the cameras moved away from her. There was a
10 significant delay in loading. Check Out Pappys Corona, a
11 mare born 04/11/14, has been missing from public record
12 since that Pleasanton gate incident.

13 Also missing following a Pleasanton race is Jamie
14 James (phonetic), a filly born 01/23/16. On 06/20/2020
15 during the eighth race, she was horse four. The
16 corresponding Equibase chart said she went wrong leaving the
17 furlong pole and was pulled up but walked off. If she was
18 actually pulled up, how did she manage to finish fourth out
19 of seven? Sounds like faulty reporting.

20 Where is California Candy (phonetic), a colt born
21 04/02/17. He was horse eight in Pleasanton's race ten on
22 07/04/2020. During the race, he stopped suddenly, was eased
23 and walked off. He's been missing from public record ever
24 since.

25 I believe Pleasanton and each track should be held

1 accountable by the CHRB for publicly reporting the post-
2 injury destination of each horse who is injured at their
3 facility or face the consequence of license denial. With the
4 importance of tracking each racehorse exemplified by the
5 CHRB's microchipping system in effect since 12/26/2018 and
6 the attention given to the matter recently by the
7 International Forum for Aftercare of Racehorses, such
8 accountability is obviously possible and definitely crucial
9 for public relations.

10 Thank you.

11 CHAIR FERRARO: Next please.

12 OPERATOR: Next is Lynn Frudenberg, a citizen.

13 Please go ahead.

14 MS. FRUDENBURG: Hey, good morning, Commissioners.

15 I also have comments regarding the Alameda County Fair as
16 Pleasanton.

17 You know, fair racing is not as safe as the
18 industry claims, likes to claim. Let's not forget a horse
19 named No New Friends whose last race was at Pleasanton.
20 This is a three-year-old gelding with 12 starts, raced all
21 over Northern and Southern California; 11 of his 12 starts
22 were claiming races. This young gelding has the distinct
23 honor of being the first horse killed at SB 469 was signed
24 into law. On June 3rd, 2019, he's said to have went wrong
25 and then was vanned off from Pleasanton. He was then

1 killed.

2 On July 5th, 2012, Jockey Jorge Herrera was killed
3 after his horse Marino clicked heels with Tribal Son.
4 Herrera, of course, succumbed to his injuries after a
5 massive head trauma. Marino ran the rest of the race. He
6 crossed the wire. Again, he has disappeared from the
7 databases. July 5, '12 was his last race which was
8 completed. But July 1st is his last workout, also at
9 Pleasanton. Where is this horse?

10 You know, the fair only lasts a few weeks out of
11 the year, not very long. And over the past five years, from
12 2013 to 2018, 45 deaths occurred. That's a lot of deaths
13 for such a short amount of time. And I think it proves that
14 this is not a safe activity and this license should not be
15 granted.

16 Thank you.

17 CHAIR FERRARO: Next please.

18 OPERATOR: Next we go to Liz Jacobelly, a citizen.
19 Please go ahead.

20 MS. JACOBELLY: Hi. My name is Liz Jacobelly.
21 I'm a concerned citizen.

22 Other speakers have reported on horses that
23 continue to be missing in action from Pleasanton's race meet
24 last year. CHRB Equine Medical Director has reported here
25 and in at least one other State Board meeting at Del Mar

1 Fairgrounds that the CHRB can't trace horses. Yet the
2 International Forum for the Aftercare of Racehorses, IFAR,
3 last month featured this very issue in its annual
4 conference.

5 According to the thoroughbreddailynews.com, the
6 importance of traceability highlighted in IFAR conference,
7 all four speakers discussed the traceability measures and
8 their organizations that have developed to keep track of
9 racehorses throughout their lives. Additionally, they
10 suggested that having a dedicated individual for racehorses
11 to contact through and an administrative or regulatory body
12 was an instrumental part of driving change towards
13 prioritizing aftercare.

14 In addition, the CHRB's most recent annual report
15 cites its microchipping program in effect since December
16 26th, 2018. The CHRB, in collaboration with the Jockey Club
17 and the California Department of Food and Agriculture,
18 adopted Rule 1597.5 which requires the microchipping of all
19 racehorses in California. This microchip system assists in
20 disease control management, allows location tracking, and
21 provide a simple database for all records associated with
22 each horse, page 23.

23 Thank you.

24 CHAIR FERRARO: Next please.

25 OPERATOR: Next we go to Elvia Sedano, a citizen.

1 Please go ahead.

2 MS. SEDANO: Good morning. Several times I've
3 heard about comments at these meetings regarding how safe
4 the fair racing is. Well, this is not true.

5 Last meet at Pleasanton on July 3rd, 2020, race
6 number one, there is a late scratch due to gate incident.
7 Horse number two, Check Out Pappys Corona, rears in gate and
8 came crashing down, slamming her head. There was a long
9 delay with starting the race. The other jockeys hopped off
10 and the other horses were taken out of the gate. This horse
11 is scratched. But since the camera panned out, we did not
12 see exactly what happened to her and nobody has seen her
13 first.

14 Why did Juan Aleman enter this horse? She was six
15 years old and had only been raced one other time. It's
16 pretty obvious that Pleasanton was just trying to fill up
17 the card and make a bigger field to attract more gamblers.

18 Race number four, same day, there is a four-horse
19 pileup, a crash between horse number three, Nice Blaze
20 (phonetic), and horse number seven, Tangerine, after
21 clipping heels with Desert Fog. Nice Blaze is vanned.
22 Tangerine throws her rider. Two other horses pulled up and
23 walked off, Miss Sherry (phonetic) and Sweet Ryan. How on
24 earth is this safe?

25 Thank you.

1 CHAIR FERRARO: Next please.

2 OPERATOR: Next we will go to Mary Johnson, an
3 equine advocate.

4 Please go ahead.

5 MS. JOHNSON: Yes. Good morning. Thank you for
6 taking my comment.

7 As far as horse racing being safe, I just want to
8 focus on Los Alamitos. And this is just a quick comment.
9 Please take this into consideration.

10 In 2020, horse racing deaths, ontrack deaths I
11 2020 at Los Alamitos was --

12 CHAIR FERRARO: Excuse me, ma'am, but we're
13 talking about Pleasanton now. If you want to talk about Los
14 Alamitos, you'll have to wait for items number seven and
15 eight.

16 MS. JOHNSON: Okay. I thought --

17 CHAIR FERRARO: Next please, Operator.

18 MS. JOHNSON: -- I thought Pleasanton was at Los
19 Alamitos.

20 CHAIR FERRARO: No, it is not.

21 OPERATOR: And there are no --

22 CHAIR FERRARO: Next please, Operator.

23 OPERATOR: Sure. And at this time there are no
24 further comments in queue.

25 CHAIR FERRARO: Fine. Any questions or comments

1 from the Commissioners?

2 The Staff has graciously prepared a motion for me
3 to read, so I'm going to make the motion.

4 I move to approve the application for a license to
5 conduct a horse racing meeting of the Alameda County Fair at
6 Pleasanton, commencing June 16th, 2021 through July 13th,
7 2021, with the following modifications: auxiliary stabling
8 at Golden Gate Fields; adding July 5th as an extra day;
9 removing mule racing from the racing application; approving
10 the exemption request for Alameda County Fire request to be
11 valid for one year; and approving the September 22nd, 2020
12 fire clearance with 45-day exemption request of Golden Gate
13 Fields for a period of one year. This approval is based on
14 a condition that CARF adopt the CHRB inclement weather
15 policy and that all outstanding items, including the
16 auxiliary stabling agreement between Golden Gate Fields and
17 Pleasanton, be received prior to the commencement of the
18 racing.

19 Do I have a second?

20 COMMISSIONER SOLIS: I second.

21 COMMISSIONER CASTELLANOS: Castellanos. Second.

22 COMMISSIONER SOLIS: Alex Solis.

23 CHAIR FERRARO: Okay. Commissioner Gonzales?

24 VICE CHAIR GONZALES: Yes.

25 CHAIR FERRARO: Commissioner Alfieri?

1 COMMISSIONER ALFIERI: Yes.

2 CHAIR FERRARO: Commissioner Castellanos?

3 COMMISSIONER CASTELLANOS: Yes.

4 CHAIR FERRARO: Commissioner Davis?

5 COMMISSIONER DAVIS: Yes.

6 CHAIR FERRARO: Commissioner Mitchell?

7 COMMISSIONER MITCHELL: Yes.

8 CHAIR FERRARO: Commissioner Solis?

9 COMMISSIONER SOLIS: Yes.

10 CHAIR FERRARO: And the Chair votes yes. Thank
11 you.

12 We will move on to item number seven, discussion
13 and action by the Board regarding approval of an agreement,
14 pursuant to CHRB Rule 1581, Racing Secretary to Establish
15 Conditions, between the Los Alamitos Horse Racing
16 Association, LARA, and the Thoroughbred Owners of
17 California, TOC, regarding entry conditions and specified
18 drug substances or medications to be implemented by the LARA
19 at the Los Alamitos Racetrack.

20 This is, essentially, the same agreement as number
21 five, though it pertains to Los Alamitos.

22 I think Zachary Voss is going to speak on this.

23 MR. VOSS: Yes. Thank you, Mr. Chairman and
24 Commissioners. This is Zachary Voss, Regulation Analyst at
25 the California Horse Racing Board.

1 As you mentioned, this is similar to the last
2 agreement. But this time, LARA wishes to condition all
3 races run at the Los Alamitos Racetrack to be run with the
4 following restrictions.

5 First, no horse shall be permitted to race in a
6 stakes race with any race day medication which includes the
7 use of furosemide. But the agreement does have a bit a
8 difference here. It says there is an exception to this for
9 Cal-bred stakes races for four-year-olds and up for
10 specified stakes races, so it's slightly different from the
11 last agreement.

12 Second, every horse within the inclosure in any
13 LARA auxiliary training facility is subject to out-of-
14 competition testing.

15 Third, all parties agree to strict limitations on
16 the use of any analgesic and anti-inflammatory medications
17 during racing and training.

18 Fourth, no horse shall be permitted to race at a
19 LARA facility if it has received a corticosteroid intra-
20 articular joint injection within 14 days of race day or any
21 joint -- or sorry, for any joint other than any of the
22 metacarpophalangeal joints or within 30 days of race day if
23 such injections are performed on any of the
24 metacarpophalangeal joints. Additionally, no horse shall be
25 permitted to have a timed work for ten days after receiving

1 a corticosteroid intra-articular joint injection in any
2 metacarpophalangeal joint.

3 Fifth and finally, no horse that has been
4 administered nonsteroidal anti-inflammatory medication
5 within the previous 48 hours shall participate in a race or
6 recorded work at Los Alamitos or at any auxiliary training
7 facility.

8 The agreement has been signed by LARA and the TOC
9 and it's reflected in the Board package.

10 We have Jack Liebau, Vice President of Los
11 Alamitos Race Course, and Greg Avioli, President and CEO of
12 the TOC, available to answer any questions from the Board.

13 Thank you.

14 CHAIR FERRARO: Thank you.

15 Operator, can you queue Mr. Liebau please?

16 MR. LIEBAU: Yes. Jack Liebau. We would urge
17 approval of the agreement.

18 I would like to point out that with respect to the
19 exception that is in the agreement with respect to Cal-bred
20 stakes races for four-year-olds and up, we do not have any
21 such race. Our Cal-bred races are for three-year-olds and
22 up. Therefore, that provision really has no applicability
23 to our race meet. And my understanding is that, even though
24 the provision was in effect at Santa Anita, it has been
25 mutually decided by all the tracks, at least in Southern

1 California and, I think, throughout Northern California,
2 that that exception will not continue to be set forth in any
3 agreements.

4 CHAIR FERRARO: Thank you.

5 Questions from the Board?

6 COMMISSIONER DAVIS: Davis here. So --

7 EQUINE MEDICAL DIRECTOR ARTHUR: Mr. Chairman,
8 this is Dr. Arthur. I'd like to make a comment.

9 CHAIR FERRARO: Go ahead.

10 EQUINE MEDICAL DIRECTOR ARTHUR: All right. There
11 is an oversight in section 4(b). It refers to
12 metacarpophalangeal joints. It should refer to
13 metacarpophalangeal joints and the metatarsalphalangeal
14 joints as has been the case previously. I think the same
15 error is in place with the CARF agreement. What we're
16 talking about both are front fore and hind limb fetlocks.
17 That's been the policy previously. And we certainly -- all
18 the panel review committees will expect this to be abided by
19 both of these beats (phonetic).

20 CHAIR FERRARO: And that's correct. Correct.

21 MR. LIEBAU: This is Jack Liebau. We certainly
22 have no objection to that provision amendment.

23 CHAIR FERRARO: Mr. Avioli, do you wish to
24 comment?

25 MR. AVIOLI: Yes, sir. Greg Avioli, TOC. We

1 support the amendment as stated by Dr. Arthur.

2 CHAIR FERRARO: Questions or comments from the
3 Board?

4 COMMISSIONER DAVIS: Davis here.

5 CHAIR FERRARO: Yes.

6 COMMISSIONER DAVIS: We are also amending to
7 remove that language about the four-year-olds?

8 CHAIR FERRARO: Yes. Well, it's ineffective
9 because there's no races written for four-year-olds.

10 COMMISSIONER DAVIS: Okay. Just to clarify the
11 agreement.

12 CHAIR FERRARO: Yeah. Yeah. Okay.

13 Do we have a queue on this, Operator?

14 OPERATOR: There is no queue at this time.

15 CHAIR FERRARO: Okay. Do we have a motion for
16 approval?

17 COMMISSIONER CASTELLANOS: Castellanos motion.

18 CHAIR FERRARO: Second?

19 COMMISSIONER DAVIS: Davis seconds.

20 CHAIR FERRARO: The Chair will second. Okay.
21 Davis seconds.

22 Commissioner Gonzales?

23 VICE CHAIR GONZALES: Yes.

24 CHAIR FERRARO: Commissioner Alfieri?

25 COMMISSIONER ALFIERI: Yes.

1 CHAIR FERRARO: Commissioner Castellanos?

2 COMMISSIONER CASTELLANOS: Yes.

3 CHAIR FERRARO: Commissioner Davis?

4 COMMISSIONER DAVIS: Yes.

5 CHAIR FERRARO: Commissioner Mitchell?

6 COMMISSIONER MITCHELL: Yes.

7 CHAIR FERRARO: Commissioner Solis?

8 COMMISSIONER SOLIS: Yes.

9 CHAIR FERRARO: And the Chairman votes yes.

10 We are moving on to item number eight which is
11 discussion and action by the Board on the Application for
12 License to Conduct a Horse Racing Meeting of the Los
13 Alamitos Horse Racing Association at Los Alamitos Race
14 Course, commencing June 23, 2021 through July 6, 2021,
15 inclusive.

16 Zachary Voss is going to comment on this, I
17 believe.

18 MR. VOSS: Yes. Thank you, Commissioners.
19 Zachary Voss, again, Regulation Analyst for the California
20 Horse Racing Board.

21 Item number eight is a Discussion and action by
22 the Board on the Application for License to Conduct a Horse
23 Racing Meeting of the Los Alamitos Horse Racing Association
24 at Los Alamitos Race Course, commencing June 23rd, 2021
25 through July 6th, 2021, inclusive. LARA will conduct seven

1 race days with live racing commencing on June 25th, 2021.

2 The Board still needs a couple of outstanding
3 items to complete the application. Those include LARA's
4 2020 audited financials and an advance deposit wagering
5 agreement with NYRA Bets. The current agreement expires on
6 June 8th, 2021 before the commencement of the race meeting.

7 And then, additionally, since publishing the Board
8 package the Board has received a valid fire clearance for
9 LARA's auxiliary stabling site at Santa Anita and an updated
10 bond valid for the entire meet.

11 LARA has also submitted a letter explaining all of
12 their missing items. And that letter can be found I the
13 Board package.

14 Lastly, in the past the Board has required prior
15 racing associations and fairs to adopt the Board's inclement
16 weather policy. And the Board may wish to consider making
17 this a requirement of licensure this time as well.

18 And we have Jack Liebau, Vice President of Los
19 Alamitos Race Course, available to answer any questions.

20 Thank you.

21 CHAIR FERRARO: Can we hear from Mr. Liebau?

22 OPERATOR: His line is now live.

23 MR. LIEBAU: As far as the policy regarding
24 inclement weather, we certainly have -- we approve of that
25 and certainly feel that it will be a condition of our

1 licensing.

2 CHAIR FERRARO: Any more questions or comments
3 from --

4 MR. LIEBAU: I was just going to say --

5 CHAIR FERRARO: Go ahead.

6 MR. LIEBAU: -- that as far as the financials are
7 concerned, the audit is in process. This has been an usual
8 requirement that we submit it when it's done. And I think
9 over the last five years it's probably been submitted in
10 July.

11 CHAIR FERRARO: Okay. Questions from the Board?
12 Do we have a queue on this, Operator?

13 OPERATOR: We do.

14 CHAIR FERRARO: Go ahead.

15 OPERATOR: Thank you. We will go to Martha
16 Sullivan, a citizen.

17 Please go ahead.

18 MS. SULLIVAN: Yes. Hello. You've heard earlier
19 in this meeting about the recent emphasis of the racing
20 industry on the traceability of racehorses following their
21 racing career. And so I want to remind the Board that there
22 are missing-in-action horses at this track. One was from
23 the thoroughbred meet at Los Alamitos in December, Coco's
24 Joy (phonetic), a filly born in March of 2018. She raced on
25 December 17th, 2020 in race nine. She unseated the jockey

1 in the gate, was eased late in the drive and walked off.
2 The last reported workout is December 12th of 2020, and
3 there's no further record of her, so where is she?

4 Dowdy (phonetic) is a three-year-old colt who
5 raced on January 23rd of this year in race seven at Los
6 Alamitos in the pouring rain. The track was a muddy mess.
7 He slipped and fell right out of the gate and he was vanned
8 off. His last reported workout was January 2nd of 2021, and
9 he's still MIA, no record of him.

10 So again, if traceability is the new emphasis,
11 important thing in the racing industry, which recommends
12 that there be a contact person in the regulatory body, I
13 suggest the Board take this up because there's certainly
14 plenty of MIA horses that need to be traced. And use your
15 microchipping program to help with this.

16 CHAIR FERRARO: Thank you.

17 Next please.

18 OPERATOR: Next we go to Liz Jacobelly, a citizen.

19 Please go ahead.

20 MS. JACOBELLY: Hi. Shamey (phonetic), the
21 racehorse, was reported by the Board to have died on
22 May 4th while racing, although her last recorded race was
23 April 30th at Los Alamitos. According to City News Service,
24
25 "Horse Dies from Apparent Racing Injury at Los Alamitos

1 05/18/2021. Cypress, California. A horse has died after
2 suffering a race injury at Los Alamitos Race Course. Shamey
3 was a three-year-old filly who had seven races and one
4 first-place finish to her credit. She died on Tuesday,
5 according to the California Horse Racing Board, which listed
6 her death as racing related, although her last race was
7 April 30th at Los Alamitos. Shamey finished last in the
8 seven-horse field, although the race chart makes no mention
9 of an injury.

10
11 "Los Alamitos officials did not respond to a request for
12 comment. Shamey was bred and owned by Ed Allred, who also
13 owns the Los Alamitos track. She was trained by Cesar
14 DeAlba, according to the industry website Equibase. Shamey
15 is the first horse to die from a listed racing injury during
16 the Cypress track's current season which began in December.

17 However, five horses have died from training injuries at
18 Los Alamitos season.

19
20 "The track was briefly placed on probation last -- by
21 California Horse Racing Board on July 10th, 2020 due to the
22 spike of horse race deaths. At that time, at least 20
23 horses have died at the track in 2020 after suffering racing
24 or training injuries, and another 10 have succumbed to a
25 gastrointestinal and other types of illness. City News

1 Service."

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Next please.

5 OPERATOR: Next we go to Andrew Lesser, a citizen
6 and former horse owner.

7 Please go ahead.

8 MR. LESSER: Yes, sport. I ask that you deny the
9 permit for renewal of racing at Los Alamitos. Many horses
10 are killed at this track during each meet. The property has
11 already been rezoned by mixed use by vote of the residents
12 of the city. The owner of the track has acknowledged that
13 horse racing will be ending at Los Alamitos upon his
14 passing, so I ask that you deny this permit, van off this
15 outpost of a failing industry, put it out of its misery, and
16 save horses from further injury and death at this track.

17 And thank you very much for your time.

18 CHAIR FERRARO: Next please.

19 OPERATOR: Next we go to Elvia Sedano.

20 Please go ahead.

21 MS. SEDANO: Good morning. I'm asking that this
22 license not be granted when there are still so many Los
23 Alamitos horses that are unaccounted for. Here are three of
24 them, all who left the track by ambulance.

25 Twirling the Gold (phonetic) raced at Los Alamitos

1 11/27/2020, DNF, vanned, has not been raced or worked out
2 since. Where is Twirling the Gold?

3 Taco Tuesday, DNF, vanned from Los Alamitos
4 11/29/2020, has not been raced or worked out since. Where
5 is Taco Tuesday?

6 Color of Money on 11 -- I mean, on 12/11/2020 at
7 Los Alamitos, this mare placed last, then got vanned off the
8 track. No races or workouts have been listed since. Where
9 is Color of Money?

10 Please do not grant this license to Los Alamitos.

11 Thank you.

12 CHAIR FERRARO: Next please.

13 OPERATOR: Next we go to Lynn Frudenberg, a
14 citizen.

15 Please go ahead.

16 MS. FRUDENBURG: Hey, good morning, Commissioners.

17 I also have comments regarding Los Alamitos. I don't think
18 you guys should be going forward until they figure out how
19 they can track the horses. I don't want to repeat the
20 names. I was going to call and mention a few of like where
21 are they? But these horses are missing and not showing up.

22 And it should be your responsibility to track them and make
23 them accounted for. Until that comes into play, please do
24 not grant the License until they comply.

25 Thank you.

1 CHAIR FERRARO: Next please.

2 OPERATOR: There are no further comments at this
3 time.

4 CHAIR FERRARO: Questions or comments from the
5 Board?

6 Again, the Staff has provided me with a motion
7 which I will read.

8 Before I do that, I would remind that since the
9 beginning of the year, Los Alamitos has greatly improved
10 their health and safety practices. They've only had six
11 total deaths, five in training, one in racing. Only four of
12 those deaths were attributed to musculoskeletal problems.
13 Two -- one was a sudden death and one was an accident. So
14 compared to the previous year, they have now stepped up to
15 the plate and, I would say, have done an excellent job in
16 improving their situation. It's not perfect but it's a
17 whole lot better than what it was.

18 Regarding this particular item, I move to approve
19 the application for a license to conduct a horse racing
20 meeting of the Los Alamitos Racing Association at Los
21 Alamitos Race Course, commencing June 23rd, 2021 through
22 July 6th, 2021, with the following modifications: approving
23 the Santa Anita fire clearance and exemption request to be
24 valid for one year; and approving the November 12th, 2020
25 fire clearance with a 45-day exemption request for Los

1 Alamitos Race Course for a period of one year. This
2 approval is based on the conditions that they adopt the CHRB
3 inclement weather policy prior to commencement of the race.

4 May I have a second?

5 COMMISSIONER CASTELLANOS: Under those conditions,
6 Castellanos seconds.

7 CHAIR FERRARO: Commissioner Gonzales?

8 VICE CHAIR GONZALES: Yes. Yes.

9 CHAIR FERRARO: Commissioner Alfieri?

10 COMMISSIONER ALFIERI: Yes.

11 CHAIR FERRARO: Commissioner Castellanos?

12 COMMISSIONER CASTELLANOS: Yes.

13 CHAIR FERRARO: Commissioner Davis?

14 COMMISSIONER DAVIS: Yes.

15 CHAIR FERRARO: Commissioner Mitchell?

16 COMMISSIONER MITCHELL: Yes.

17 CHAIR FERRARO: Commissioner Solis?

18 COMMISSIONER SOLIS: Yes.

19 CHAIR FERRARO: And the Chairman votes yes,
20 obviously.

21 Moving on to item number nine. This is discussion
22 and action by the Board regarding the proposed amendments to
23 CHRB Rule 1581.1, Entries, and CHRB Rule 1878, Workouts, to
24 prohibit a horse from workouts or entry to race unless a
25 veterinarian has determined the horse is sound.

1 Dr. Arthur, you're going to explain this to us?

2 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. This is Dr.
3 Arthur, Equine Medical Director.

4 These two related regulations put into regulation
5 to (indiscernible) horse safety protocols that are already
6 in the trainer/veterinarian/racetrack agreements.

7 The first requires horses be examined by the
8 attending veterinarian and declared fit to race prior to
9 entry within 72 hours of entry. And further, that the
10 examination be reported in the equine treatment reporting
11 system, electronic system.

12 The second is a similar provision for horses with
13 reported works. Again, the attending veterinarian is
14 required to examine the horse and declare the horse fit to
15 work within 72 hours of the work, and that that examination
16 be recorded in the equine treatment reporting system.

17 The major difference is some tracks are using 120
18 hours prior to a work. Other tracks are 72 hours. But to
19 simplify the process, we have both of them here at 72 hours.

20 So the language actually says a horse will not be
21 entered unless they meet these provisions or a horse may not
22 work unless they meet these provisions. So what we're
23 trying to do is, obviously, this is part of the culture
24 change that everybody pays attention to the welfare of
25 horses before they go through these high-intensity exercise

1 of either racing or working.

2 CHAIR FERRARO: Questions from the Board?

3 Do we have a queue on this, Operator?

4 OPERATOR: We do.

5 CHAIR FERRARO: Go ahead.

6 OPERATOR: Thank you. We will go now to Kimberly
7 Schaffler-Marrs with Marrs Racing.

8 Please go ahead.

9 MS. SCHAFFLER-MARRS: Oh, I just wanted to say --
10 can you hear me, guys?

11 CHAIR FERRARO: Yes.

12 OPERATOR: We can.

13 CHAIR FERRARO: Go ahead.

14 MS. SCHAFFLER-MARRS: No. I just wanted to
15 comment on the Los Al. I think (indiscernible). They doing
16 a good job in that respect, so I don't (indiscernible).

17 OPERATOR: And Ms. Marrs, your line is breaking up
18 now.

19 MS. SCHAFFLER-MARRS: Okay. That's it. Sorry.

20 OPERATOR: Thank you. And there are no further
21 comments at this time.

22 CHAIR FERRARO: Can I have a motion from the
23 Board?

24 COMMISSIONER ALFIERI: Alfieri. So moved.

25 CHAIR FERRARO: Second?

1 COMMISSIONER DAVIS: Davis seconds.

2 CHAIR FERRARO: Commissioner Gonzales?

3 VICE CHAIR GONZALES: Yes.

4 CHAIR FERRARO: Commissioner Alfieri?

5 COMMISSIONER ALFIERI: Yes.

6 CHAIR FERRARO: Commissioner Castellanos?

7 COMMISSIONER CASTELLANOS: Yes.

8 CHAIR FERRARO: Commissioner Davis?

9 COMMISSIONER DAVIS: Yes.

10 CHAIR FERRARO: Commissioner Mitchell?

11 COMMISSIONER MITCHELL: Yes.

12 CHAIR FERRARO: Commissioner Solis?

13 COMMISSIONER SOLIS: Yes.

14 CHAIR FERRARO: And the Chair votes yes. Motion
15 approved.

16 We now move on to the reports, Executive
17 Director's Report and Equine Medical Director's Report.
18 Mr. Chaney?

19 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr.
20 Chairman and Commissioners. This month I will begin with
21 the handle figures. For context, we are now in the
22 comparison period with last year when tracks were mostly
23 closed at the beginning of the pandemic.

24 This April, daytime handle is, therefore, up 233
25 percent on 27 more programs as compared to 2020. Night

1 handle is even on nine programs -- nine more programs
2 compared to last April. Overall handle is up 157 percent
3 compared to April of 2020. Lastly, for the first five
4 months of 2021, total handle is up 35 percent as compared to
5 the first five months last year.

6 Two additional updates for the Board.

7 First, the Entry Review Panel has been functioning
8 at Golden Gate Fields for approximately three weeks. I
9 appreciate the hard work and dedication of Doctors Kristin
10 (phonetic) (indiscernible) and Richard Lewis in this new
11 effort. There are now Entry Panels in place at all of the
12 thoroughbred and Quarter Horse tracks in California.

13 Second, we are nearing completion of the creation
14 of the new Chief Official Veterinarian position. I expect
15 that to be reality before the next Board meeting.

16 And that, Mr. Chairman, is my report.

17 CHAIR FERRARO: Thank you.

18 Dr. Arthur?

19 EQUINE MEDICAL DIRECTOR ARTHUR: Yes. Good
20 morning, Commissioners. This is Dr. Rick Arthur, Equine
21 Medical Director, again.

22 The HISA ((phonetic) Dominating Committee
23 announced their appointments to their Board of Directors and
24 two standing committees. The Racetrack Safety Standing
25 Committee is to be chaired by Dr. Sue Stover at UC Davis who

1 has directed the Veterinary Orthopedic Research Laboratory
2 there for 30 years. And my incoming Equine Medical Director
3 successor, Dr. Jeff Blea, was appointed to the Anti-Doping
4 and Medication Control Standing Committee. Former Maddy Lab
5 Chief Chemist Dr. Scott Stanley was appointed to the Anti-
6 Doping and Medication Control Standing Committee as well.
7 The industry appointees that I know on the various HISA
8 committees at all levels are very capable individuals.

9 The new electronic reporting requirement for
10 veterinary treatments under the amended 1842 became
11 effective on January 1st. We've been very generous in
12 allowing veterinarians time to become compliant with the new
13 program. And at this time, most veterinarians are reporting
14 electronically. No one likes change. And there is a steep
15 learning curve for veterinarians with the new system. But
16 we started with webinars on how to use the system back last
17 summer, but most veterinarians waited until the last minute
18 to make the transition.

19 But most importantly, and why the CHRB made this
20 requirement, the ready access to treatment records with
21 electronic reporting is a game changer. The handwritten
22 reports that have been in place going back to when Dr.
23 Ferraro and I started practicing in the '70s are inadequate
24 for today's environment.

25 Statewide, there were seven fatalities in April,

1 four were racing, one training, and two non-exercise.
2 California should see a reduction in total fatalities in
3 Fiscal Year 2021 ending June 30th of over 30 percent
4 compared to Fiscal Year 1920 [sic].

5 There was one racing-related medication violation
6 in April, a Class 4 phenylbutazone. There were four
7 violations for horses working for the official veterinarian,
8 all were Class 4 violations, and three of the four were for
9 the same medication for the same trainer on the same day.
10 Two years after the CHRB eliminated -- authorized thresholds
11 for steroidal and nonsteroidal anti-inflammatory
12 medications, there are still a few trainers that haven't
13 figured it out.

14 Two trainer continuing education since the last
15 meeting were conducted, one with Dr. Mary Skalay (phonetic)
16 on the RMPC, Resources for Trainers, and the other yesterday
17 with Dr. Heather Kynch on basic veterinary pharmacology for
18 trainers. Dr. Kynch is the Veterinary Pharmacologist at the
19 Maddy Laboratory. And the intention, obviously, is the
20 better understanding trainers have of how medications are
21 used, it allows them to avoid positives. The reality is
22 that most violations are simply avoidable mistakes with no
23 nefarious intent. Medication violations are another metric
24 where the CHRB will see a marked decrease from the previous
25 fiscal year.

1 In April, Maddy analyzed 1,602 post-race samples
2 and an additional 69 samples obtained from horses working
3 for the official veterinarian. The 1,671 samples were from
4 902 horses. These totals do not include TCO2, out-of-
5 competition blood, urine, or hair samples. And even though
6 I'm sure the CHRB has conducted more out-of-competition
7 testing than any other racing jurisdiction in the U.S., the
8 Out-of-Competition Testing Program, more than any other
9 testing program, has been impacted by COVID-19. In Fiscal
10 Year 1920 [sic], CHRB analyzed over -- or approximately
11 1,900 out-of-competition samples, even with the COVID, in
12 the last quarter. This fiscal year, I expect we'll have a
13 total of about 20 percent less than we had in the previous
14 fiscal year.

15 I'm happy to answer any questions.

16 CHAIR FERRARO: Questions from the Board?

17 VICE CHAIR GONZALES: Chairman Ferraro, Oscar
18 Gonzales here. I've actually got a couple of questions for
19 both Scott and Dr. Arthur related to a couple of news
20 stories that ran this year related to Trainer Ronald
21 McAnally.

22 Back in January when I raised an issue about a
23 list of drugs that were to be reclassified, there was an
24 exchange that I had with Dr. Arthur. And it was really in
25 the spirit, at the time, of me just wanting to give the

1 Board more time to better understand what was a very, very
2 long list of drugs, medications. And I recognize that we,
3 at the time, were trying to better align ourselves with
4 ARCI. But on that list of drugs that were to be
5 reclassified was CBD, the drug that was detected in the
6 horse that won the race back on November 22nd.

7 So a part of what I feel is that this matter,
8 actually, could have been handled differently. As we try to
9 embrace more transparency, really communicate to the Board
10 that we treat everyone equally, I just feel that there's a
11 little bit of confusion and I just wanted some
12 clarification.

13 It looks like from November, you know, a good five
14 or six months had lapsed. So part of my question is why did
15 I take so long to come up with the complaint that the
16 stewards are going to be hearing? I'm pretty confident that
17 when that list was compiled that both Scott and Dr. Arthur
18 knew that there was a positive test. And after looking
19 through some emails two days prior to the January 21st
20 meeting, I do recall seeing a notification that Mr. McAnally
21 had tested positive.

22 So I am more interested in just making sure that,
23 one, when the stewards hear this matter, that they need to
24 do this in a very independent and fair manner and fully
25 recognize that CBD is -- still has a classification that

1 needs to be treated accordingly until the rulemaking process
2 is done. So part of what has gotten this Board in some real
3 challenging circumstances is when we arbitrarily try to move
4 or shift a drug before a rule is completed.

5 I also want to make sure that the stewards know,
6 as I read in the reports, that CHRB Staff is going to make a
7 recommendation. Well, let me just be very clear, and I hope
8 all stewards who are listening to this know that you do a
9 good job, and we expect for you to act fairly and
10 independently. I was not aware that CHRB Staff weighs in on
11 stewards decision. That was actually a surprise to me.

12 There also are authorities that the Board, if we
13 see fit, as in the case with Mr. McAnnaly -- and I want to
14 just say that Mr. Dan Landers, his assistant, from what I
15 read, has done his due diligence and he's a good horseman.
16 I also want to say that Giovanni Franco, the jockey, is
17 being very professional in recognizing that it could have
18 very well been through what he was using as an ointment that
19 could have penetrated the horse's skin. So I just want to
20 commend both, you know, actually, the connection.

21 So given what we know, I believe that the Board,
22 you know, would have handled this, as we have the power to
23 do. But what does not sit right with me is that the Board,
24 one, was not given a proper heads up, that as we went about
25 approving a list of medication, we weren't told that there

1 could very well be some pending cases. And after that
2 conversation, we gave it a full month, and not once did
3 anybody say this list that you're voting on, be aware that
4 there are some cases pending. Well, that could have
5 happened in closed session, or we could have brought up in
6 the public, so that just does not sit right with me. I want
7 you to know that.

8 I also just want to make sure that under no
9 circumstances are the stewards or staff to arbitrarily
10 reclassify a drug of any kind unless it has gone through the
11 full rulemaking process.

12 So Scott and Dr. Arthur, I would really appreciate
13 your clarification, again, just to make sure that we are
14 not, you know, creating any confusion, that there's no
15 misunderstanding.

16 But more importantly, I want to say one thing, is
17 Trainer Ron McAnally is one of the utmost citizens and
18 outstanding horseman that we will ever see. My time as a
19 backstretch worker, people lined up to work for his barn
20 because he treated backstretch workers incredibly well, so I
21 want to just make that known. And this is not about Mr.
22 McAnally. This is more about how CHRB management handled
23 the situation.

24 So Scott and Rick, I would appreciate any
25 clarification you can add on this matter.

1 EXECUTIVE DIRECTOR CHANEY: Thank you, Mr. Vice
2 Chairman. Scott Chaney, Executive Director.

3 Obviously, we can't get into the details of the
4 case in advance of the hearing. But I think I can answer a
5 few of the questions that you asked in terms of why it took
6 so long from positive test to filing of the complaint.

7 I believe in this particular case, or I know in
8 this particular case, a split sample was requested. And,
9 obviously, that takes a few weeks. And then the
10 investigative team does their investigation. And once
11 that's complete we, you know, we file the complaint. So
12 that was the time between -- that's, typically, the time
13 between positive test sample and -- or race day, I should
14 say, and filing the complaint.

15 Just a correction. CBD is not currently
16 classified and, obviously, will be classified when the
17 regulation that the Board voted on in February comes into
18 effect.

19 When the split sample came back, as is always the
20 case, and my duty under the B and P Code, I informed the
21 entire Board, the Commission, of the positive test. That is
22 still true, even today, although, as everybody knows, the
23 law has changed in terms of confidentiality. So with
24 respect to any tests that occurred before January 1st, those
25 are confidential until they -- until -- unless and until we

1 file a complaint.

2 Following the passage of SB 8800 (phonetic), we
3 now report positive tests, either after 72 hours has elapsed
4 from informing the trainer, or after the positive split
5 sample comes back. So now those are reported on our website
6 within five days. In practical terms, it happens much
7 quicker than that, I think, hopefully.

8 And then one last thing. With respect to all
9 Class 1s, 2s, and 3s, whatever, as is always the case,
10 either the hearing officer or the stewards, if and when they
11 render a decision, the Board, of course, will have the
12 ability to either approve it or not approve it.

13 Thank you, Mr. Vice Chairman.

14 EQUINE MEDICAL DIRECTOR ARTHUR: Sure. Let me
15 just get right to the heart of the issue. This is Dr.
16 Arthur again.

17 If you remember, in August of this [sic] year at
18 Del Mar, we attempted to move forward the updated
19 classification for drugs, a certain number of drugs, to
20 update CHRB's drugs classification. If you go to that, you
21 will notice in the August meeting, which is three months
22 before this particular violation, cannabidiol is recommended
23 to be a 3B. It is recommended to be a 3B because that is
24 what the RMTC recommended to RCI. It ended up as a 2B.

25 But in California, if you talk to any steward,

1 you'll find it doesn't make any difference. We DQ horses
2 based on 1, 2, 3 and penalize the trainer based on the
3 penalty class. So this was proposed as a 3B, four months
4 before the violation that you're talking about.

5 Similarly, with the bisphosphonate
6 classifications, those were classified back in August as
7 well. There were very few changes that were added when the
8 RCI updated their list in December of 2020. Somebody can
9 pull those out for you. I'm unaware of any positives
10 related to those.

11 But specifically to your point, cannabidiol, which
12 was not classified under the current standing regulation,
13 was proposed to be a 3B in August of 2020, four months
14 before -- three or four months before this violation.

15 VICE CHAIR GONZALES: Well, Dr. Arthur, Scott --

16 CHAIR FERRARO: Any further comments from the
17 Board?

18 Go ahead, Oscar.

19 VICE CHAIR GONZALES: Well, you know, Chairman
20 Ferraro, I would actually like for you to weigh in. Because
21 I honestly feel, you know, your experience on matters like
22 this, I feel, go a long way. But I hope that you share my
23 concern that neither you or I or anybody on the Board was
24 alerted that as we went about reclassifying or classifying
25 drugs that were on that long list, including CBD, that it

1 was never pointed out that there were some pending cases,
2 not that that would have stopped or altered the course, but
3 I believe that this Board needs to be informed.

4 And I just want to encourage Dr. Arthur and Scott
5 just to be mindful that we are operating in a very different
6 manner. It is this Commission that are appointees of the
7 Governor and confirmed by the Senate. And we have a
8 responsibility to the State of California to be on the up
9 and up. And I just want to just encourage you going forward
10 that if there are any issues like this that arise again,
11 that we -- that we be made fully aware.

12 Chairman Ferraro, I really would like for you to
13 share any thoughts or opinions. Because this -- again, on
14 the heels of a very public and unfortunate circumstances
15 related to the Kentucky Derby, I feel that we just have to
16 make sure that we are reminding owners, other participants,
17 the betters, that California is on a way different course.

18 So Chairman Ferraro?

19 CHAIR FERRARO: I certainly support your concerns,
20 Oscar. And I think it's very important that the stewards
21 understand and the Staff understands that stewards'
22 decisions are independent of what the Staff either
23 recommends or comments on. That's a very important
24 principle.

25 Number two, regarding whether we, as

1 Commissioners, are informed of pending positives or prior to
2 a change in regulations, you know, I don't know if that's
3 because we weren't informed, to be honest with you, or
4 whether I wasn't paying enough attention to remember. So I
5 hate to accuse or comment on that because it very well could
6 have been presented to us and I simply don't have a
7 recollection of it.

8 But I do support your concerns regarding our
9 transparency, and the fact that we need to strictly follow
10 procedures, so I would support your comments.

11 VICE CHAIR GONZALES: Thank you. Thank you, Mr.
12 Chairman.

13 CHAIR FERRARO: Any comments from the Board?

14 VICE CHAIR GONZALES: No.

15 CHAIR FERRARO: Any further comments from the
16 Board?

17 Do we have a queue on this, Operator?

18 OPERATOR: We do.

19 CHAIR FERRARO: Go ahead.

20 OPERATOR: Thank you.

21 We will go to Martha Sullivan, a citizen.

22 Please go ahead.

23 MS. SULLIVAN: Hello. When you hear increased
24 handle, please remember this, the vertically integrated
25 corporations, like The Stronach Group which dominate live

1 horse racing, have the ability to manipulate how much handle
2 there is through high-volume betting shops. This has been
3 documented by the Thoroughbred Idea Foundation which found
4 that over one-third of U.S. wagers on live horse racing
5 comes from high-volume betting shops.

6 So wagering on live horse racing is by an
7 increasingly small pool of betters. Because only the Jockey
8 Club has reported only one percent of U.S. adults wager on
9 at least one live horse race per month.

10 From the Thoroughbred Idea Foundation, quote,
11
12
13 "Based on a variety of projections, which TIF has updated to
14 account for 2020 figures, we estimate total betting from the
15 high-volume betting shops is likely between 33 and 40
16 percent of total U.S. thoroughbred handle. These groups are
17 representing a larger percentage of wagering as mainstream
18 horse players abandon racing or shift more of their action
19 to legal sports betting options."

20 One of these high-volume betting shops is Elite
21 Turf Club which, according to court filings, is owned by The
22 Stronach Group which owns several racetracks, including
23 Santa Anita and Golden Gate Fields here, as well as
24 Xpressbet, one of the biggest advance deposit wagering
25 platfoms.

1 You know, handle is all a mirage, you know, and is
2 controlled by the racing corporations, the gaming
3 corporations, like The Stronach Group.

4 CHAIR FERRARO: Thank you.

5 Next please.

6 OPERATOR: Next we go to Liz Jacobelly, a citizen.
7 Please go ahead.

8 MS. JACOBELLY: Hi. My name is Liz Jacobelly,
9 concerned citizen.

10 Published by The New Yorker Magazine on one of the
11 biggest days in horse racing, (indiscernible) veterinarians
12 quoted are incoming and outgoing Equine Medical Directors
13 for this Board who just don't get it. According to the
14 newyorker.com, "Can horse racing survive in a time of
15 changing sensitivities? An ancient sport struggles to
16 justify itself.

17
18 "Jeff Blea, a respected racetrack veterinarian who was a
19 jockey until a bad spill forced a career change, believes
20 that some horses need less Lasix. 'But the public doesn't
21 want horses medicated on race day,' he said, 'so we've got
22 to maintain our social license to operate. I thought that
23 racing social licensing was probably already revoked, but
24 this was one of its ambient ironies of its twilight
25 predicament. The outrage about horse welfare was causing

1 horse experts to think harder about public perceptions, even
2 at the expense of the horse's welfare.'"

3
4 "Rick Arthur, another prominent veterinarian said, "The fate
5 of racing will be decided by people who have never been to
6 the races, know nothing about horses, and have probably
7 never even touched a racehorse.

8
9 "In California, alligator shoes have been banned in a ballot
10 measure to improve the lives of farm animals, which passed
11 in a huge margin. The future of horse racing is hard to
12 see. But the state's Native American gambling juggernaut
13 has a new ballot measure in the works for 2022. It proposes
14 to confine the next wave of gambling, horse betting, to it's
15 casinos and improved racetracks, meaning Santa Anita, Del
16 Mar, Golden Gate Fields, and Los Alamitos. Why voters would
17 approve the measure is an open question? Why casinos, with
18 their deep pockets, would extend this proposal to the tracks
19 is another?

20
21 "When it was put to the outgoing Chairman of the California
22 Nations Indian Gambling Association, Steve Stallings, he
23 said that he said that he thought the racetracks need some
24 shoring up to stay competitive, they do."

25 Thank you.

1 CHAIR FERRARO: Next please.

2 OPERATOR: Next we go to Wayne Johnson, a citizen.
3 Please go ahead.

4 MR. JOHNSON: Thank you.

5 Dr. Arthur, we do know this about horses, is that
6 they die when they're raced too fast and they break their
7 bones.

8 Seven dead horses but no names. Why didn't you
9 show throughout your tenure respect enough for the horses to
10 name them? They have names.

11 Thank you.

12 CHAIR FERRARO: Next please.

13 OPERATOR: Next we go to Kimberly Schaffler-Marrs
14 with Marrs Racing.

15 Please go ahead.

16 MS. SCHAFFLER-MARRS: Hello. I just wanted to
17 comment on the medical report. Loving the fact that the
18 reforms are actually working with the huge reduction that's
19 being posted with the catastrophic injuries. And we're on
20 target to make that even less of a number in the future.

21 I also wanted to make a comment about the CE
22 credits for the trainers. I have been doing all the
23 webinars. They're fantastic. I encourage all the trainers,
24 get onboard. The information is really beneficial. And
25 kudos to the team for putting them on because it's really

1 needed.

2 Thank you.

3 CHAIR FERRARO: Thank you.

4 Next please.

5 OPERATOR: Next we go to Elvia Sedano, a citizen.

6 Please go ahead.

7 MS. SEDANO: Is this public comment? Just want to
8 make sure.

9 CHAIR FERRARO: No, it's not.

10 MS. SEDANO: Okay.

11 CHAIR FERRARO: This is --

12 MS. SEDANO: Then --

13 CHAIR FERRARO: -- referring to the Executive
14 Director's report.

15 MS. SEDANO: Okay. Thank you.

16 CHAIR FERRARO: Next please.

17 OPERATOR: There are no further comments at this
18 time.

19 CHAIR FERRARO: Questions or comments from the
20 Board?

21 Then we'll move on to item number 11 which is
22 Public Comments: Communications, reports, and requests for
23 future actions of the Board. During the public comment
24 period a total of 30 minutes will be allowed for public
25 conference via the teleconference line. After 30 minutes,

1 no further comments will be accepted. Each person will be
2 limited to two minutes.

3 Go ahead, Operator, and start your queue.

4 OPERATOR: Thank you.

5 We will first go to Kimberly Schaffler-Marrs with
6 Marrs Racig.

7 Please go ahead.

8 MS. SCHAFFLER-MARRS: Good afternoon Board. I
9 want to let you know that I have been working as a racehorse
10 trainer for over 40 years. I understand that there are many
11 people who have opinions about what horse racing is about.
12 For those of us who show up to work daily, ensuring that a
13 horse has received the best treatment and care, we have a
14 different opinion that is based on fact and our years of
15 experience.

16 Without a doubt, there is a lot of scrutiny,
17 government oversight, and a plethora of regulations. These
18 reforms have expanded in the last two years and we have seen
19 significant improvements in horse safety and well-being.

20 High-profile controversies are more evidence that
21 the culture of horse racing has changed. During these
22 meetings we have heard every allegation against us. And I
23 hope that anyone paying attention can see that there are
24 very strict protocols and regulations that work to protect
25 the integrity of our sport. As a trainer, I support these

1 rules and regulations because the safety of the horses under
2 my care is a priority.

3 I thank all of you for your work that you do to
4 host the safest and best horse racing in the country. And
5 our commitment is to continue to implement the best racing
6 in the country to keep our horses and workers safe.

7 Thank you.

8 CHAIR FERRARO: Thank you.

9 Next please.

10 OPERATOR: Next we go to Martha Sullivan, a
11 citizen.

12 Please go ahead.

13 MS. SULLIVAN: Yes. Hello.

14 Horse racing is not only cruel, it's
15 environmentally unsustainable. As elected officials ask
16 more Californians to convert from grass to low- or no-water
17 landscape, and California farmers to use water more
18 efficiently, they also need to ask the owners and operators
19 of live horse racing tracks to do the same. These
20 racetracks cater to just one percent of U.S. adults who bet
21 and/or attend one live horse race per month, according to
22 the Jockey Club.

23 The California State Senate President Pro Tem,
24 Toni G. Atkins was recently quoted that she and her spouse
25 have already replaced their lawn to be more water efficient,

1 although they did not take money from the state program.
2 That's very clearly happening throughout communities in
3 California because we understand what's at stake.

4 The Del Mar Racetrack and Senator Atkins district
5 has a turf racetrack, plus a large grass infield, you know,
6 as does Santa Anita Racetrack, as does Golden Gate Fields.
7 And then there's all the water used to keep the dirt tracks
8 at these racetracks from throwing off dust, to keep the
9 horses cool, which only becomes greater as it gets hotter,
10 and to keep horses and backstretch clean and sanitary.

11 At the Del Mar Racetrack, this is at least 150,000
12 gallons per day during the summer races at the City of Del
13 Mar's sewer flow per the Del Mar Fairgrounds engineering
14 analysis for its new racetrack water system. And note that
15 per the USEPA the average daily water use of each
16 Californian is 108 gallons per day.

17 This is an unsustainable industry and it's going
18 to continue to harm Californians. You need to transition it
19 away, like many other unsustainable industries have been
20 transitioned away.

21 CHAIR FERRARO: Next please.

22 OPERATOR: Next we will go to Bonnie Croker, a
23 citizen.

24 Please go ahead.

25 MS. CROKER: Thank you. I want to thank the CHRB

1 for the work that you do. Your mission is not an easy one.

2 But, realistically, it's a true mission impossible. Your
3 tape recordings may not self-destruct but the horse racing
4 industry will. It is impossible to take the injuries,
5 death, drugs, and cheating out of horse racing.

6 People who enjoy gambling, taking risks, scheming
7 and scamming are naturally drawn to this bloodsport. The
8 adrenaline rush they get from watching whipped horses risk
9 and run for their lives is palpable. But the addiction to
10 winning at any cost without concern for the innocent victims
11 if the inevitable destroyer of public trust in your
12 industry.

13 Practically every major news agency in the country
14 is now reporting on your latest horse drugging nightmare.
15 And the public is so sick and tired of the coverup lies.
16 Some would say that when Saturday Night Live does a parody
17 mocking the insanity of immorality of one of your most
18 winning people, the writing is on the wall, game just about
19 over.

20 Again, CHRB, thanks for your hard work, but get
21 ready to jump your sinking ship and seek the moral high
22 ground. Join the millions how now prefer to bet on
23 consenting human athletes. Horses don't have a choice.
24 Humans do. Human sports betting is highly popular. Take
25 advantage of that. Quit taking advantage of horses. Animal

1 abuse is losing its popularity thanks to conscious, evolving
2 people. It is in these people that I place my bet for the
3 ultimate win, the landslide vote for the end of legalized
4 horse racing beginning in California.

5 Thank you.

6 CHAIR FERRARO: Next please.

7 OPERATOR: Next we go to Andrew Lesser, a citizen
8 and former horse owner.

9 Please go ahead.

10 MR. LESSER: Yes. Thank you again.

11 You know, racehorse owners have suggested that
12 those who argue against horse racing know nothing about this
13 so-called sport. Well, that's nonsense because my family
14 owned 20 Standardbreds, so I and others who oppose the
15 industry are speaking from experience.

16 You know, it's kind of sad that you're presiding
17 over the equivalent of the Titanic. The measures that are
18 put in place for the safety of the horses are likened to a
19 bilge pump that just cannot keep up with the flood of water
20 that's coming in. The latest flood is the embarrassment
21 caused by Bob Baffert, the epitome of hubris and greed
22 associated with horse racing that's now been exposed once
23 again in the national news media. And he and the industry
24 have been made to be a laughing stock on late-night TV.

25 I submit that the failure of the CHRB to suspend

1 Bob Baffert right now from entering horses into races in
2 California is just another embarrassment for California.
3 And California, despite what everyone seems to indicate by
4 the safety measures, is no different from Kentucky and New
5 York. Horses are still dying here from racing.

6 So you know, the only way that this industry is
7 surviving, the tracks are surviving, is through satellite
8 wagering and gaming casinos. It's a dying industry, just
9 like greyhounds, and it's time to put it to an end, van it
10 off.

11 Thank you.

12 CHAIR FERRARO: Next please.

13 OPERATOR: Next we go to Elvia Sedano, a citizen.
14 Please go ahead.

15 MS. SEDANO: Good morning.

16 When will the CHRB step up and do the right thing?

17 Bob Baffert has been banned from Churchill Downs
18 and Belmont Stakes, okay? Just why, please explain, why do
19 you allow him to continue to race horses at tracks with CHRB
20 so-called oversight? Did you see the Saturday Night Live
21 skit?

22 Bob Baffert is the official poster child for
23 doping and cheating. He has the nerve to blame it on cancel
24 culture and he asks, why is this happening to me? Well,
25 this is happening to him because there are not enough

1 consequences for his actions. He needs to be banned in
2 California.

3 Thank you.

4 CHAIR FERRARO: Next please.

5 OPERATOR: Next we go to Wayne Johnson, a citizen.

6 Please go ahead.

7 MR. JOHNSON: Thank you.

8 The problem with talking about Mr. Baffert in the
9 way we do is that we look at him as one bad apple. The
10 whole barrel of apples are rotten. And the fish rots from
11 the head.

12 Mr. Finnegan for The New Yorker did an article in
13 which he interviewed all sides, a real good lesson for
14 journalists, most of whom, with the exception of Mr. Gray
15 (phonetic) for the New York Times, most of whom simply
16 shield toward the industry. Bill Finnegan asks, "Don't they
17 care about chickens and cows?" Of course we do. We talked
18 about that on here when relevant. But there's no difference
19 between a chicken, a cow, and a horse. They all aspire to
20 live just as much as you and I.

21 At the last meeting, Commissioner Mitchell, and I
22 want to say this parenthetically, Commissioner Mitchell,
23 were all hoping that the knuckleheads in Sacramento get some
24 sense and reappoint you enthusiastically. Commissioner
25 Mitchell chided us for making an analogy between the horse

1 racing industry and the death of George Floyd. Commissioner
2 Mitchell may have had a point there. And I'm happy she felt
3 free to criticize us because we are far from perfect.

4 But I would just like to say that some balance is
5 in order. If we are to have the neutral dialogue that
6 Director Chaney wants us to have, why not comment when we
7 say the right thing? My animal rights activist friends who
8 comment during this meeting do a hard job and a good job of
9 researching the facts and have stated again today several
10 facts about missing horses and about drugs. Why not tell
11 us, maybe you've got a good idea from us, instead of the
12 only time you talk about us is to criticize us? We deserve
13 criticism and will take it when we get it, as we did last
14 month. How about talking about the positive things so we
15 can get that mutual dialogue that the Director aspires to
16 (indiscernible)?

17 Thank you.

18 CHAIR FERRARO: Next please.

19 OPERATOR: Next we will go to Patricia.

20 Please go ahead.

21 PATRICIA: Good morning.

22 It's not enough that you breed horses to kill them
23 on the tracks. That just doesn't bring enough money for
24 you. You sell and you ship them for slaughter. Like Mike
25 McBarron (phonetic) said, a transporter of horses to be

1 butchered, and I quote, "It's just a job to me. I don't
2 fall in love with them."

3 And it's very clear now that this is all that it
4 means to you, it's money, and yet your cry is we treat them
5 like family. So I suppose when your wives, husbands, and
6 children get old or can no longer do anything for you, they
7 better watch their backs. But here we go again with you
8 considering yet another horse sale, more money to line your
9 pockets with.

10 10,000 to 12,000 racehorses are slaughtered every
11 year, according to a racing industry leading equine vet.
12 That's half or more of the annual foal crop, or baby horses,
13 bred for the industry.

14 I hear racehorse killers, mommy. Well, this is
15 these activists. What do they expect us to do with them
16 when they retire? Well, here's a concept, please listen,
17 stop breeding them, then you won't have these issues. Stop
18 racing them. They will not suffer anymore under your
19 uncaring hands.

20 I'm actually really thankful to Bob Baffert for
21 all this scandal. The brought the truth out. This is the
22 truth about the horse racing industry, drugs, abuse, murder,
23 coverups, lies, lack of transparency, this is what it's
24 about. And you guys just sit there and do nothing.

25 And on another note, all I've heard in this entire

1 meeting is about starting and restarting racing. And I want
2 to leave you with this question: Who is going to enforce all
3 these conditions that you have placed? Because when it
4 comes to beating horses while they are running, I've seen a
5 lot of jockeys get away with it. So really, what are we
6 doing here? Who is going to enforce the racing or these
7 conditions that are going to be placed? Wait. I think we
8 all know the truth.

9 Thank you.

10 CHAIR FERRARO: Next please.

11 OPERATOR: Next we go to Liz Jacobelly, a citizen.
12 Please go ahead.

13 MS. JACOBELLY: Hi. Today, I'm going to talk
14 about live horse racing's dirty little secret.

15 We see these horses out there and people think
16 that, oh, they're racing and they're having fun and blah,
17 blah, blah, blah, blah, but there's a lot of behind-the-
18 scenes things that people don't see.

19 According to this article, "The Rescuers: Saving
20 Horses in Need," by Pam Gleason (phonetic).

21

22

23 "Nurse mares are used in thoroughbred industry because it
24 does not make economic sense for a valuable brood mare to
25 nurse her own foal."

1 Why? Well, breeders like to breed mares back as
2 soon as possible after they have had a foal. And mares
3 typically go into heat and can be bred a week to ten days
4 after giving birth.

5
6
7 "The Jockey Club will only register horses that are bred
8 through (indiscernible), no artificial insemination or
9 transported semen. And insurance won't cover a week-old
10 foal at a stallion barn. Besides, it would be too risky to
11 transport an expensive foal that is so young.

12
13 "The industry's unfeeling solution is to take the valuable
14 foal away from its own mother and put it with a nurse mare,
15 freeing the valuable brood mare to return to the breeding
16 shed. The trouble is that the nurse mare has also recently
17 given birth. Her foal, the nurse mare foal, is taken away
18 from her. The nurse mare is then tricked by various methods
19 into accepting the valuable thoroughbred foal as her own.

20
21 "The (indiscernible) nurse mare foals are the byproducts of
22 the thoroughbred training industry are turned into orphaned
23 foals, some of them taken away from their mothers when they
24 are just a few days old. The nurse mare farms
25 (indiscernible) located in Kentucky vary widely in the kind

1 of care they provide. Some are taken care of and some just
2 left on their own."

3 It's been called racing's little secret. It's
4 because horse racing is all about profit, greed, and
5 cruelty. And the people that are into horse racing, no
6 matter what you're doing, you all get something from it.

7 We're people that care about animals and we're not
8 getting any money or any profit off of this. We're just
9 speaking up for something. It is wrongdoing for the horses.

10 Thank you.

11 CHAIR FERRARO: Next please.

12 OPERATOR: Next we will go to Mary Johnson, an
13 equine advocate.

14 Please go ahead.

15 MS. JOHNSON: Yes. Thank you. I want to
16 piggyback on the comment that I tried to make that was in
17 the wrong category.

18 As far a Los Alamitos is concerned, horse racing
19 on-track deaths in 2020, there were 43 of them. In my
20 opinion, that's shameful.

21 Now I also want to speak about Bob Baffert. And
22 he is racing's golden boy. And I --

23 EQUINE MEDICAL DIRECTOR ARTHUR: Not anymore.

24 MS. JOHNSON: What's that?

25 I personally believe that the California Horse

1 Racing Board is partially responsible for this debacle
2 concerning Medina Spirit. They didn't do anything when
3 Baffert's horses, seven of them, and this has been about
4 nine, ten years ago, dropped over dead because of a drug for
5 thyroid, a thyroid condition. I'm a retired drug report. I
6 sold (indiscernible). You just don't put people on it for
7 no reason whatsoever. And Mr. Baffert, California's golden
8 boy, had all the horses in his stable on it. Can you
9 imagine?

10 Now let's get to the betamethasone, the steroid
11 that was found in Medina Spirit with the first test sample.
12 It's a potent long-acting synthetic corticosteroid widely
13 used in equine veterinary medicine as a steroidal anti-
14 inflammatory. Now I know they're saying this was for a skin
15 condition. (Indiscernible) also had that in her system.
16 Why does any three-year-old need a steroid for inflamed
17 joints? It just simply blows my mind.

18 And as far as the gal from Marrs Racing saying how
19 well she takes care of her horses, I have off-track
20 thoroughbreds and I have for years. I take good care of
21 them. That's to be expected. I don't get any pats on the
22 back. I don't get any kisses on the cheek. (Indiscernible)
23 from her.

24 Thank you.

25 CHAIR FERRARO: And your time is up. Thank you.

1 MS. JOHNSON: Thank you.

2 CHAIR FERRARO: Next please.

3 OPERATOR: Next we go to Patty Shenker with -- she
4 is a citizen.

5 Please go ahead.

6 MS. SHENKER: Yes. Good morning. Patty Shenker.

7 So now we have Greg Avioli trying to silence our
8 speaking at these meetings because he doesn't want, quote,
9 "A small group of people to disrupt a multibillion
10 industry." How dare he try to silence us for exposing your
11 corruptions after more than two dozen people in or
12 associated with horse racing are facing federal indictments
13 in a quote, "Widespread corrupt (indiscernible)." Plus,
14 horsemen were caught laughing about equine body counts.
15 Plus, Bob Baffert was recently caught with his fifth horse
16 known to have failed a drug test in just over a year, is not
17 accused of fraud, racketeering, and negligence by betters
18 seeking compensation.

19 The Washington Post's recent editorial, "Horse
20 Racing Has Outlived Its Time," wrote, quote,

21

22

23 "Anyone who thinks horse racing is like any other major
24 sport is lying, ignorant, or kidding themselves. No other
25 accepted sport exploits a senseless animal as gambling

1 chips. No other accepted sport tolerates the cruelty that
2 routinely results in the injuries and deaths of these
3 magnificent animals. The rot in horse racing goes deep. It
4 is a sport that has outlived its time," end of quote.

5 We will not be silenced. We will continue to
6 educate the public to the criminality, cruelty, and
7 arrogance until your sport is as dead as the 29 horses
8 reported by your Board in the 20 weeks of racing this year.

9 Thank you.

10 CHAIR FERRARO: Next please.

11 OPERATOR: Next we go to Lynn Frudenberg, a
12 citizen.

13 Please go ahead.

14 MS. FRUDENBURG: Hey, good morning.

15 Again, my comment is regarding if you want us to
16 stop calling in and stop giving you guys a major headache
17 and at every meeting and making them last long, take the bet
18 out of horse racing. You've had every opportunity to try to
19 get the insiders of the industry to fix this but that's not
20 working, and that's why we want it shut down. It's not fair
21 to the horses. There's too many deaths, too many drugs.

22 I hear from comments from the people calling in,
23 the horse owners, saying that we don't know what we're
24 talking about. Well, we do. I'm a horse owner. I had
25 horses for 28 years. I took care of them really well. And

1 like Mary said, I didn't get a pat on the back. My horses
2 were excellent. Lay lived to live really long lives.

3 So anyways, we wouldn't be calling in if you guys
4 were doing a good job. None of us are getting paid for this
5 but you guys are getting benefits out of this. So we are
6 going to keep calling in. We're going to keep educating the
7 public. The public always thinks, oh, the horses, they're
8 wonderful, they're beautiful, until they find out what's
9 really going on, until they get more -- it's getting out
10 there more and more, the education to the public on what
11 you're doing to the horses and how unfair it is and,
12 basically, horse abuse for what you're doing.

13 So clean up your industry. But I don't have any
14 hopes of you guys doing that. You had approved -- month
15 after month, we're going to call in, and we're going to keep
16 calling in until you fix something, okay, or it's shut down,
17 your choice.

18 Thank you.

19 CHAIR FERRARO: Next please.

20 OPERATOR: Next we go to Pavla Nygaard, an owner
21 and breeder.

22 Please go ahead.

23 MS. NYGAARD: Hello. Can you hear me?

24 CHAIR FERRARO: Yes.

25 MS. NYGAARD: Okay. Thank you very much. So just

1 an owner and breeder and things.

2 One of the activists mentioned something about the
3 dirty little secret regarding nurse mares and foals being
4 taken away from high-priced mares. That is absolutely
5 completely 100 percent incorrect. I am absolutely not aware
6 of any situation like that. The only time when there is a
7 nurse mare involved is when there is danger or death of the
8 mother. There is absolutely no good sense from the foal's
9 perspective and development why a foal would be taken away
10 from the mother. So, please, do not read or accept these
11 urban myths that might be out on the internet. It is not
12 true of the breeding industry. Thank you very much.

13 As far as appreciating or not appreciating what
14 the activists bring to the table, I, as an owner and
15 breeder, will say that however much pain in the neck it is
16 to listen to some of the things being brought up, your
17 actions have brought some good spotlights to the industry
18 and some good reforms, and I personally appreciate some of
19 that.

20 I would, also, appreciate some appreciation from
21 the activists when we do things right, when we do understand
22 that the spotlight can make a difference. It does make a
23 difference to the racing. It does make a difference to us.

24 And as far as this latest situation with the
25 Kentucky Derby and the betamethasone, I find it very

1 interesting that just a week ago one of our (indiscernible)
2 came up with a skin condition and medicine was prescribed
3 which contained betamethasone. So it's, essentially, an
4 equivalent of treating diaper rash. And it would be
5 wonderful to understand, for the activists, as well as for
6 the media, to understand that in this particular case it may
7 have been a very innocuous medication.

8 Thank you very much. And you will improve your
9 credibility, activists, if you are more balanced on not just
10 wanting to shut everything down but pushing things that are
11 (indiscernible) reforms of that, pro horse and pro society.

12 Thank you.

13 CHAIR FERRARO: Next please.

14 OPERATOR: Next we go to Kimberly Schaffler-Marrs
15 with Marrs Racing.

16 Please go ahead.

17 MS. SCHAFFLER-MARRS: Can you hear me?

18 CHAIR FERRARO: Yes. Go ahead.

19 MS. SCHAFFLER-MARRS: Hello? Oh, okay.

20 No, I just actually wanted to back up what Pavla
21 just said about the nurse mares. I've bred horses. I know
22 breeding farms. I know of no instance where this has ever
23 happened with nurse mares at these stables. They're used
24 for if there's an accident or a death with the mother or the
25 mother is dangerous, then there is a need for a nurse mare.

1 So I believe that that story is absolutely false and is not
2 to be believed.

3 The one thing I do want to make the activists
4 aware of is there is an industry that I believe they utilize
5 mare urine for hormonal, I think it's called Premarin, if
6 I'm not mistaken. So any gals that might be rubbing this
7 cream on for your menopause, think about how that cream was
8 derived and, you know, the implications for the horses
9 involving that.

10 But keep up the good work, Board. You're on the
11 right course.

12 Thank you.

13 CHAIR FERRARO: Next please.

14 OPERATOR: There are no further comments at this
15 time.

16 CHAIR FERRARO: Thank you.

17 Then we'll move on. The Board will now go into
18 executive session.

19 (The California Horse Racing Board recessed into closed
20 session at 11:37 a.m. and was later adjourned.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of June, 2021.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

June 16, 2021